

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-6:00 PM
June 3, 2020

Call to Order: Meeting to order at 6:00 p.m.

PLEASE NOTE: In addition to standard (in-person) public comments and testimony, we will accept public comment during the public hearing portion of each case on the agenda below via call in and email. Individuals or groups wishing to comment can email statements to the Planning and Development Office at buildingandzoning@jodaviess.org until the close of public comment for each individual case to be held on Wednesday, June 3, 2020. Make sure to include the case number in the subject line.

Statements received will be read aloud as part of the record. The entirety of the statement will be placed in the official minutes.

We take very seriously the recommendations from the Centers for Disease Control and Prevention (CDC) to socially distance and the Governor’s Executive Order 2020-10, wherein no more than ten people can convene in one place. **We encourage you to submit your public comment via email** prior to the meeting if possible. Public comment and emailed comments will proceed in the order in which they are received.

If you choose to provide comment in person, requests must be received by the Sheriff’s Office at sheriff@jodaviess.org at least one hour prior to any scheduled public meeting. Due to COVID-19, current policy allows only persons with urgent or essential business to enter the Courthouse. Any person who requests to enter the Courthouse may be subject to a screening process, including but not limited to answering medical questions and having their temperatures taken before being allowed to enter. Information on how to access Jo Daviess County meetings will be displayed on each meeting agenda.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Nick Tranel
 Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick
- ✓ Peter Huschitt, Alternate
 vacant, Alternate

Staff & County Board Members:

- Steve Keeffer, Highway Engineer
- Sandra Schleicher, JDC Health Dept.
- ✓ John Hay, State’s Attorney - remote
- ✓ Eric Tison, P&D Dept.
 Robert Heuerman, JDC Board Member
- ✓ Melissa Soppe, P&D Dept. - remote

Approval of Minutes: A motion was made by Tranel to approve the minutes of February 26, 2020. Seconded by Huschitt. Voice Vote: All Ayes Abstain: Diedrick & Mapes

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

New Business

Discussion and possible action on an Amendment to the Rules & Procedures for the Plan

Commission/Zoning Board of Appeals

ADDENDUM – Effective with the Special Meeting of June 3, 2020

In the event of an emergency situation caused by a natural disaster, public health emergency or other crisis that results in a declaration by the County Board, the following procedures shall be in effect during the length of the declaration approved:

Section 1: The Zoning Board of Appeals/Plan Commission may hold virtual meetings inclusive of public testimony and comment for the purpose of providing recommendations and finding of fact for land use applications filed in accordance with the Jo Daviess County Zoning Ordinance.

Section 2: The agenda for the Zoning Board of Appeals/Plan Commission shall designate the means to access the meeting virtually.

Section 3: The Rules and Procedures of the Zoning Board stated previously shall apply. In addition to standard, in person, public testimony and comments, the Board will accept public testimony and comment during the public hearing portion of each case on the agenda via call in and email. Individuals or groups wishing to comment can email statements to the Planning and Development Office at buildingandzoning@jodaviess.org until the close of public comment for each individual case be held on the posted agenda.

Section 4: Statements received via email shall be read aloud as part of the record and incorporated into the official minutes.

Section 5: Upon expiration of declaration, these emergency rules will no longer apply.

County Board has made this part of their process already.

A motion was made by Tranel to adopt the amended Rules & Procedures.

Seconded by Diedrick

Roll Call: Gary Diedrick – Aye Peter Huschitt – Aye
Ron Mapes – Aye Mel Gratton – Aye
Nick Tranel – Aye

Edward Tranel (17397 Route 5 W, East Dubuque, IL 61025) owner, has petitioned for a Variance in the front yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A1c Public Streets, from the required eighty (80) feet to sixty (60) feet, a twenty (20) foot variation to place an accessory structure. Property is located in the RP Planned Residential District. Commonly known as 17397 Route 5 West, East Dubuque, IL – Case #20-27

Nick Tranel is abstaining from the request.

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, however this parcel lies within the 1.5 miles of the Village of Menominee.
- Wastewater Treatment: The variance request should have no effect on a septic system on this property. A soil investigation completed in 2006 indicates that the septic system for the house on the property was surface discharging. A permit was issued for a new system, but the work was never completed. A septic system must be installed for the house to eliminate the surface discharge. If the new building will include any plumbing, a separate system will be required.
- Access Considerations: The property has existing entrances onto Menominee

- Township maintained Route 5. No changes to the entrances are being proposed.
- Other Considerations: The property is located in Menominee Township on the south side of Route 5 West and was rezoned to RP in 1999, Case #99-12. Per the application, the owner would like to remove and replace an existing accessory structure. Route 5 West requires a front setback of 80' from the centerline as a township maintained road. Adjoining parcels to the west of the subject property and east of N Indian Ridge Road are zoned RP. Parcels on the west side of N Indian Ridge Road are zoned AG. Parcels to the north, east and south are zoned AG. One residential parcel to the north is zoned RP.

Eric states adjoining landowners did call, but did not indicate any objection.

Ed Tranel, owner

- My plan is to take the existing building down because it is 60 some years old and is outdated, roof and things need to be fixed. The new building will be 50 feet by 104 feet and 25 feet west of the existing building and that will give us 60 feet from the center of the road. I would like to not have to turn the building on east end to the south because it will take a lot of fill and it will cut into the existing agricultural field there. Want to make the place look a lot nicer than what it is. The building will be used for machinery storage and hay storage. That way I can keep all buildings parallel to each other without having one building going a different way

Gratton indicates from the information the request or yellow line shows 60 feet from the centerline of the road.

Huschitt asks if the red line is the actual setback of 80 feet.

- Tison indicates yes that is the required setback.

Gratton asks that this building will not be any closer to the roadway than your house and your other outbuildings.

- Ed Tranel indicates that is correct.

Mapes asks if this will affect any of your water or septic.

- Ed Tranel indicates no it will not.

Tison asks for the record Mr. Tranel, that you are the property owner and applicant.

- Ed Tranel indicates yes I am.

Diedrick asks if any plumbing or electric will be to this building

- Ed Tranel indicates yes we will have a water line and overhead doors for the building.

Gratton asks owner to elaborate on the standards for variance

- Ed Tranel states this building is 50 feet wide and will need a 60 foot wide pad to set this on, so if I come 80 feet from center of the road and go another 60 feet, it will swing my building further south into the agriculture field which is corn and alfalfa right now. This will take a lot of fill because of the slope and lay of the land.

Public Testimony None Public Testimony Closed

Standards for variance reviewed 1 – true; 2 – true; 3 – true; 4 – true; 5 – true; 6 – true; 7- true
Standards have been met

Gratton states that with agricultural we have tried to allow a new building no closer than existing structure on the property

Diedrick asks about the adjacent lot and if it is developable

- Tison indicates provided all setback requirements and all health department requirements can be met a residence can be built. No calls were received from adjacent landowners.

Darlene Lipczynski, owner via remote access

- Purchased this property for future retirement in 3-5 years and between that time we would like to use it for rental. I do know the water waste treatment does not qualify for the rental license, it is not a septic system we want because it runs on electricity and that is something we don't want. We are going to replace the septic anyways for personal use, we have already had people out to give us a quote on that. We are looking to do weekend rentals until retirement.

Gratton states that there is gravel on the sides does that have to do with the septic.

- Darlene Lipczynski indicates no not that I am aware of.

Gratton asks where the septic system is located

- Darlene Lipczynski states that the septic system is to the left of the house behind the property when looking at the house from the road.

Gratton asks if you have had a septic contractor or soil test done to indicate that a suitable system can be done.

- Darlene Lipczynski indicates I have not. I have 3 people that I am getting quotes to see if it can be done and how and then quotes.

Tison states that for the Zoning Certificate the setbacks are a part of that review process, the Health Department must sign off on the septic system before the Zoning Certificate can be issued. It is a possibility that if she cannot get the change in septic system this property would not meet the Zoning Certificate requirements.

- Darlene Lipczynski states that I understand that it is not a given.

Mapes asks how many people for the 5 bedroom they can have.

- Tison indicates 12 maximum people

Mapes asks will the parking area accommodate the 6 cars.

- Tison indicates that it is tight, I have not done a formal evaluation of it, but it is possible to meet the requirements. Stacking of cars is allowed and if emergency vehicles can get within 100 feet of front door.
- Darlene Lipczynski states that it will need 1 more space.

Public Testimony None **Public Testimony Closed**

Mapes asks about the adjacent vacant lot, right now not affecting anyone, but if this affects them down the road with devalue.

Gratton states that the adjacent lot may at some point be built upon.

Huschitt states that if someone wants to build on adjacent lot that may increase the value if the adjacent lot has a Guest Accommodations License because they are able to get a license. We are getting more requests for rental.

Tison indicates that we are looking into the question that was asked a few months ago on how many variance and what the amount of variance requested on Guest Accommodations, we will have that information in a couple months.

Standards for variance reviewed 1 – true; 2 – met; 3 – true, not exclusively; 4 – true; 5 – true; 6 –

true; 7- true Standards have been met

Gratton asks if she built the house or buy it this way.

- Darlene Lipczynski bought the property this way.

Diedrick states only the money aspect and I don't think it is a get rich type money thing, it appears that they want to do this for an interim period until they retire and occupy this home. I think we can either wave or not consider something that we have to dwell on.

Tison indicates there is a lot of screening in place, not sure where the adjacent lot house placement will be. With a Zoning Certificate I do have the authority to ask for additional screening. What are the rooms on the side of the variance used for?

- Darlene Lipczynski indicates they are bedrooms.

Gratton states then the only activity area on this is a deck to the rear

- Darlene Lipczynski indicates that is correct.

Gratton states that both lots are densely covered. What is the size of the requested lot and the adjacent lot?

- Tison indicates that the lot in question is 0.967 acres and the adjacent lot is similar in size.

A motion was made by Diedrick to approve the variance request as presented from the required twenty five (25) feet to fourteen point five (14.5) feet for the existing home, a ten point five (10.5) foot variation, to allow for Guest Accommodations use. Commonly known as 10 Goldenrod Lane, Galena, IL - Case #20-11 stating the following:

1. Standards for variance reviewed and all met

Seconded by Mapes

Roll Call:	Peter Huschitt – Aye	Ron Mapes – Aye
	Mel Gratton – Aye	Nick Tranel – Aye
	Gary Diedrick – Aye	

Karen Sirgany (1306 N Mammoser Rd, Stockton, IL 61085), owner, has petitioned for a Special Use Permit to allow for an existing residence on a lot less than forty (40) acres. Property is zoned AG Agricultural District. Commonly known as: 1306 N Mammoser Road, Stockton, IL - Case #20-12

Owner was sworn in

Staff

- **Comprehensive Plan:** The Comprehensive Plan shows that this parcel is located in Agriculture Preservation Area 1 and more than 1.75 miles northeast of Stockton. Soil types for the existing location are designated as 100% prime farmland.
- **Waste Treatment:** new septic system was installed in October 2006 to serve a new 3 bedroom home. The system is located west of the house extending for approximately 100 feet. The exact location of the drainfield should be verified to ensure it is included on the lot.
- **Access Considerations:** The parcel has an existing entrance onto Nora Township maintained Mammoser Road with adequate sight distance.
- **Other Considerations:** This property on N Mammoser Road, east of IL 78 and north of E Howardsville Road, currently consists of 3.01 acres. The existing residence was constructed with permit, in 2006. An attached garage was added

Staff

- Comprehensive Plan: Although Apple Canon Lake is not a municipality, the Comprehensive Plan recognizes the importance of the Planned Residential Community and its growth potential. The Plan also encourages repurposing existing structures as opposed to letting them deteriorate.
- Wastewater Treatment: The primary septic system serving the maintenance building is located southeast of the building and should not be affected by this request. There is a second drainfield located approximately 100 feet southwest of the maintenance building that must be located before construction so it can be protected.
- Access Considerations: This proposal will use existing entrances onto Thompson Township maintained Apple Canyon Road. The entrances will not change.
- Other Considerations: Per the application and exhibits, the applicant is proposing to add a 250' Telecommunications tower to a portion of the property generally located on the west side of the Apple Canyon Lake Campground. A map detailing the tower location is included. The parcel to the west and immediately south are zoned AG. A separate parcel to the south and east, owned by ACL POA are zoned RP. All parcels on the north side of S Apple Canyon Road are zoned RP and within Apple Canyon Lake. No LESA was prepared for this request.

Eric states adjoining landowners did call, but did not indicate any objection.

Doug Dolan, DRA Properties via remote access

- Contacted by Verizon Wireless to locate a site near Apple Canyon Lake for better coverage and capacity for the residents and visitors of this county. The Apple Canyon Lake area has a large coverage gap including surrounding areas. Verizon Wireless engineers have identified this area needing enhanced service, which this tower will provide. It was also designed to enhance 911 coverage which would include better connections with police, fire, and emergency responders. More and more people are dropping their land lines and beginning to rely solely on cell phone as primary device. The tower is proposed to be 250 feet, it is located in an area that is well buffered to the south with trees and we are 300 feet south of Apple Canyon Road. We are in a maintenance area within Apple Canyon Lake. We have entered into a lease agreement with Apple Canyon Lake Association with their support. Will enhance the enjoyment of the neighboring properties in that they will see increased speed and capacity. They will also design the tower to have additional tenants. We don't believe it will impede development of other properties, it will enhance the entire area. The only utilities are fiber and power and they are both brought underground. No traffic, occasionally have a maintenance technician maybe once per quarter visit the site to check on equipment. Most of the maintenance and optimization of the equipment are done remotely through the fiber lines. Uniquely positioned to increase coverage and capacity in this area. Describes the slides and the coverage area it will increase to. We are excited to provide this coverage and enhance data speed. Ability to provide 4G coverage in this area will provide 4G data speeds in this area.

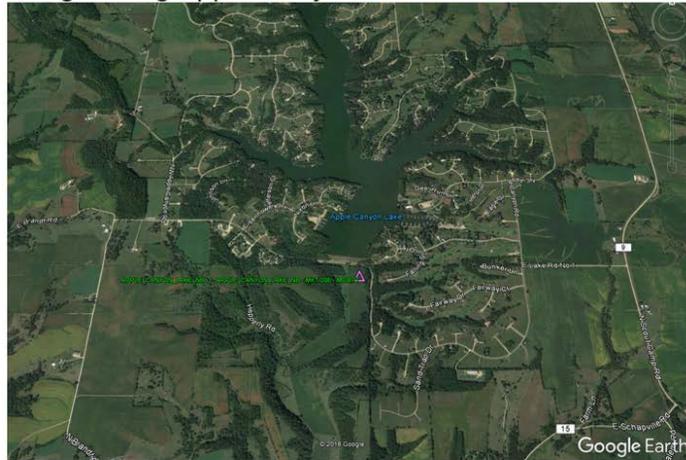


Proposed Site Summary

The area under consideration is needed to provide coverage to the Apple Canyon Lake area.

The primary objectives of this site are:

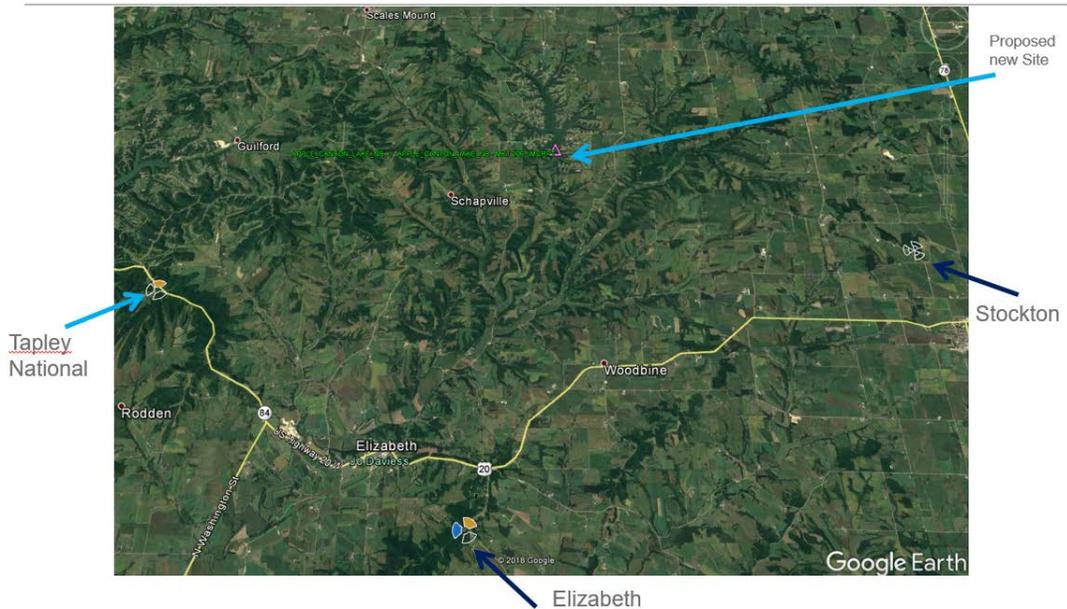
1. Improve coverage along Apple Canyon Lake



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement. 2



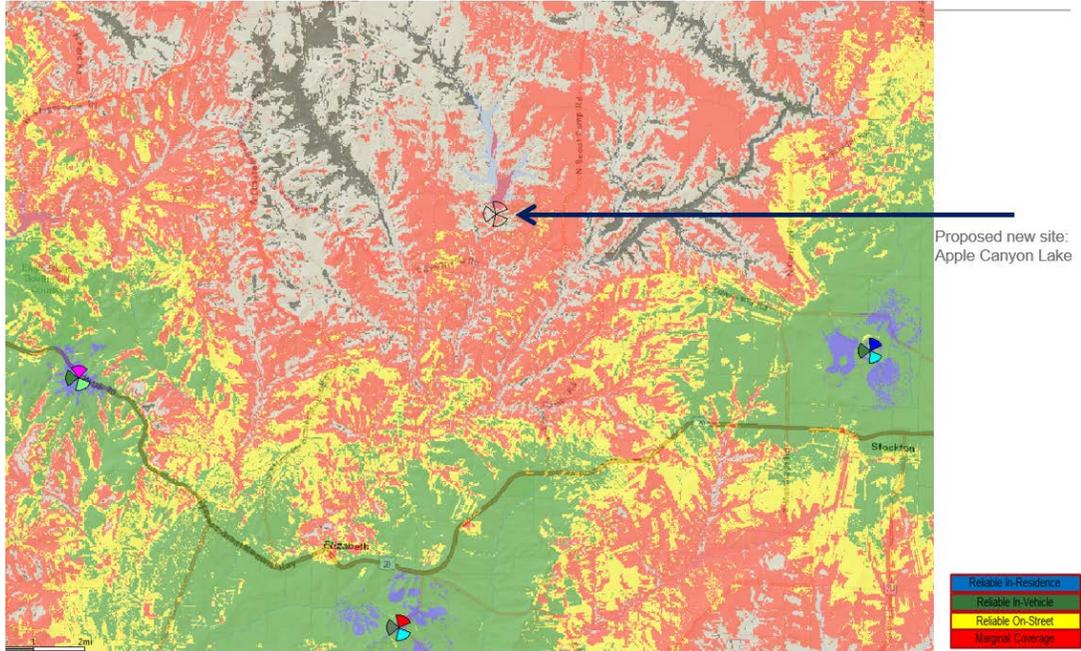
List of existing Verizon Wireless Sites



Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement. 3



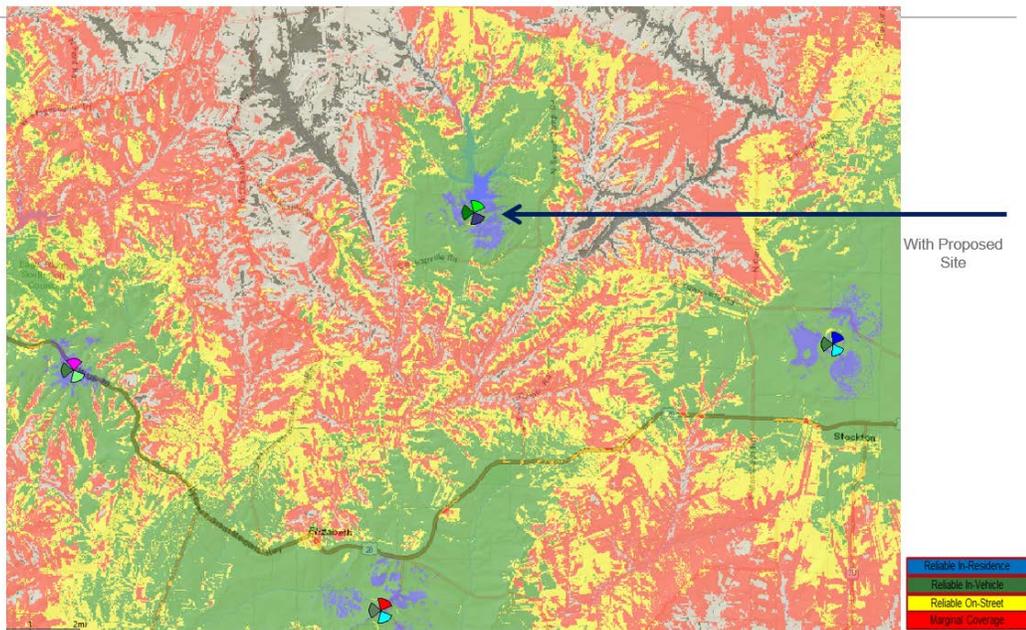
Current Coverage With-out Proposed Site



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With Proposed Site: Apple Canyon Lake at 250ft



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Store currently operates collectively described in the Warranty Deed as Tract 4, identified on the exhibit for this case. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. That is not the case with this application as improvements are being proposed well after development. There are no proposed changes to the existing entrances to the property. As per the application, the structure will be repurposed and occupied by the Spa, currently located at the Inn across the street. There are approximately 34 existing parking spaces available. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities.

- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed improvements exceed the limitations of Section 8-3G-7 C1.
- Adjoining parcels are zoned RP in accordance with their location in the Territory. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states many adjoining landowners did call or email.

Gratton indicates that typically this process is done before the property is developed, so if anything deviates considerably from what is presently being done, to avoid problems in the future lets include all of that in the request so everything is clear.

Phil Jensen, attorney representing owner

- We are seeking to rezone six parcels [tracts] of land that is commonly known as Eagle Ridge Inn & Resort. We are here asking for a positive recommendation from you on these six parcels [tracts]. Currently the zoning is Planned Residential and what we seek is Planned Unit Development (correct terminology – PD Planned Development District). Interesting enough although the 6,800 acre parcel is zoned Planned Residential there is not a single residence within the footprint that consists of Eagle Ridge Inn & Resort. I would submit that if the Zoning Ordinance that is currently the law of Jo Daviess County were in effect today and you as a board were taking each parcel within the county and placing into the zoning classification most consistent with its current use you would place Eagle Ridge Inn & Resort in the Planned Unit Development (correct terminology – PD Planned Development District). We are hear as a ministerial act on behalf of the County and my client. The history of Eagle Ridge Inn & Resort is a 40 year old resort, 6,800 acres consisting of an Inn that began taking people in 1975, a spa, 4 restaurants, 6 retail establishments, and 2 small gas pumps. If for this property you were for the first time placing it in a zoning district it would be in the classification we are seeking. I think it was a mere oversight when zoning came into place that this development was placed in Planned Residential rather than Planned Unit Development (correct terminology – PD Planned Development District). There is not a single residence within the footprint of Eagle Ridge Inn. Who is the applicant, what is the current use, why we are seeking rezoning, and what the future of Eagle Ridge will be? The applicant is a 40 year old

business in Jo Daviess County, according to your Comprehensive Plan employs 640 people. The next closest employer employs less than one-half of the employees Eagle Ridge Inn & Resort employs. It is a favorite for golfers, four outstanding golf courses, and a beautiful inn with the retail establishments I have indicated. In May of 2019, it was acquired by a local resident, a successful business man, who lives and breathes Jo Daviess County, has a passion for Eagle Ridge, Mark Klausner is committed to this county and resort. He is investing substantially with the goal of bringing the resort back to the prominence we all recall in the 80's and the 90's. The current uses are four golf courses, Inn, 6 retail outlets, 2 pump gas station, a spa, and a general store. The Planned Unit Development zoning classification found at 8-5A-6, for Planned Unit Developments (correct terminology – PD Planned Development District) allows for everything that we are currently doing and seek to do. It allows for golf courses, restaurants, food stores, retail stores, retail sales, fuel sales, offices, and private solar energy all within the Planned Unit Development (correct terminology – PD Planned Development District). That is the current use. The new use will be the solar arrays that will be installed on a number of the parcels, I will speak to that momentarily. But we seek zoning to its current use, there will be no changes in the current uses or the vision of the resort with the zoning classification we seek. There are some changes within the global footprint. Currently the General Store is a stone's throw from the Inn, the intention is that will be under roof in the building that currently houses the general pro shop and restaurant. That building long term will house the spa, which is currently under roof at the Inn. When that change takes place, which is probably no sooner than 12 months, the vacated square footage in the Inn will be used for conference rooms and offices, uses currently being undertaken in the current building. At the general pro shop location, entrance to Eagle Ridge Inn, there will be 2 gas pumps, but we are not increasing the number of pumps. The pumps have historically been at the general store, will be at the pro shop building that will house the general store and the like. The rumor is that he is creating a solar farm, we have 2 representative of Eagle Ridge Solar with us today, but I can tell you in order to make a solar farm profitable, the solar array that is being constructed at Eagle Ridge would have to be between 100 and 500 times larger. Not a single watt of energy being generated through those panels will be used anywhere other than Eagle Ridge Inn & Resort. The solar panels near the Inn will generate electricity for only the Inn. The solar panels that are near the south pro shop, only for the energy necessary at the south pro shop. Same for each of the six total solar arrays. It is our position that our application is consistent with the County vision statement, Comprehensive Plan, and current Zoning Ordinance. With the respect to the Comprehensive Plan, I remind you, one of the major goals is the improvement in air quality. I can tell you that the solar array will reduce the carbon footprint and furthers one of the primary goals of the Comprehensive Plan. What will the future be for Eagle Ridge? Future of Eagle Ridge is the present, there will be no solar array that can sell power off premises and I submit and Mark will confirm were that to be attempted, that would be a major change to require a zoning modification or a water park, those are inconsistent with the past use, inconsistent with the present intention, inconsistent with the future vision and would require the change in the zoning classification. Those under any reasonable interpretation of the ordinance consistent a minor modification. We are simply asking for minor change to bring the current zoning of Eagle Ridge into the classification that is should have been put in at the advent of zoning.

Tison indicates the first three Eagle Ridge requests were to be heard in March and the last three are new. I think we need to proceed carefully so a public hearing by case needs to be conducted.

The first request covers Tract 4, known as the existing General Store, case number 20-15.

Public Testimony

Terry Williams, 1 Northbend Lane, Galena, via remote access was sworn in

- Asking questions on agenda item #11/Clubhouse Drive request – directed to wait till that request.

Margery Newman, 7 Oxbow Path, Galena, via remote access was sworn in

- I submitted an email earlier and part of it related to the moving of the gas pumps, which may come under this item. I am not in favor of moving the gas pumps to the front of the Galena Territory.
- Eric Tison reads the email below into the record
- Via Email 6/3/2020 at 2:43 pm - Dear Zoning Board of Appeals & Planning Commission Members: My comments relate to the several requests by Eagle Ridge of Galena LLC and Mark Klausner (jointly "Eagle Ridge") to rezone several parcels, your Case Numbers 20-15, 20-13, 20-14, 20-26, 20-25, and 20-24, located within the Galena Territory (the "Territory"). As a member of the Galena Territory Association ("GTA") whose members own most of the Territory, I and all other property owners will be affected by Eagle Ridge's rezoning requests. My first point is that the vast majority of the work represented in these zoning requests has already been started and/or completed. Attached you will find a picture of just one of the solar arrays requested by Eagle Ridge in its rezoning request which has already been installed. Additionally, the grocery store (now called the general store) has been built out in its new spot near the entrance to the Territory and I believe that the pits have been dug to install the gas pumps that are requested to be moved from across the road from the Eagle Ridge hotel to the entrance to the Territory. All of this work was planned and started last year and long before the Covid-19 shutdown hit our County. All of this construction is in violation of our County rules and regulations. Further, as shown by the attached picture, the solar arrays already installed are rather unsightly and not part of the aesthetics we in the Territory expect to see. The GTA has worked tirelessly to maintain the rustic nature of our community and these solar arrays bring an unwanted commercial look to our community. More importantly, moving the gas pumps to the front of the Territory will bring increased and unwanted traffic to our community. The gas pumps, currently located across the road from the Eagle Ridge hotel, served the property owners but, more importantly, the guests of the hotel. The rezoning sought by Eagle Ridge would move the gas pumps to the entrance of the Territory. This will bring in traffic from Route 20 and, in the future if diesel pumps are added, commercial truckers. Gas pumps pose significant potential hazards to the GTA property owners. When people fill their gas tanks there may be spillage onto the ground and vapors may leak which could lead to air and soil pollution. Underground pipes or tanks that rust or leak can also release contaminants into the surrounding areas. Please consider that the current gas pumps are located near the general store which, although it sells food, does not have a restaurant. The proposed rezoning to move the gas pumps will put the gas pumps right next to the refurbished Highlands restaurant at the entrance to the Territory. It is unfortunate that Eagle Ridge has been allowed to proceed with its construction prior to obtaining the necessary rezoning. You do have the authority, however, to deny the requested rezoning until such time as Eagle Ridge provides not only the County but the GTA with a way to screen the solar arrays and not move the gas pumps from their current location. Thank you. Margery Newman 7 Oxbow

Path, Galena, IL Attorney at Law, Bryce Downey & Lenkov LLC, 200 North LaSalle Street, Suite 2700, Chicago, Illinois 60601



- Margery indicates I do not have anything additional at this time. Thank you for your consideration.

Phil Jensen, attorney representing owner

- No work has been done without a permit. We sought and were granted permission to begin the construction.

Eric Tison asks if John Hay would like to add any comments pertaining to the permitting and construction.

John Hay, State's Attorney – via remote access

- Forgive me if my timeline is incorrect, I am going off the best of my recollection. We were approached by Eagle Ridge in November, when the changes to the building at the main entrance were requested. Myself, Scott Toot, County Board Chair, Dan Reimer, County Administrator, and Eric all went out and met with Mr. Jensen, Mr. Klausner, and some other individuals and discussed the changes that were being made to the building. There was a request at that time to potentially create a new zoning district, which would better encompass places such as Eagle Ridge. We said that we would consider that, there was a request that was made to basically start construction because if they didn't start construction at that point they wouldn't be able to have it completed by April 1st which was the intended open date for the spring season. On consultation with the County Board Chairperson Scott Toot and other parties I talked about, I said that a conditional permit could be issued for that piece of property in essence to make those changes, but it was clear that it was a conditional permit and that of course the Zoning Board and the County Board finally has the say whether it would be allowed. We took a month or two conversation to potentially going to County Board to create a new zoning district and looking at some of the suggestions that were being made as far as other issues, solar

panels included, we met with the same parties again and recommended they go this route, which is to request rezone basically Mixed PD Planned Development, because it would encompass all of their needs and it wouldn't have the difficult process of course of doing a text amendment to create a new zoning district. As part of that also they requested if they could do the construction on the solar permits. That is when we had the zoning meeting set in March and our initial response was no you have a hearing coming up in a week or two we don't want to give the conditional permit at this point, they are going to be addressed shortly, however that is when the Covid-19 pandemic was starting, if because of the Covid-19 pandemic we are not allowed to have that meeting we would consider readdressing that issue. Unfortunately of course the Covid-19 pandemic caused it that we were not able to have any meetings until now. Once again we consulted with Scott Toot, County Board Chairperson, Eric Tison, and Dan Reimer and once again I indicated that I saw no issue with recommending a conditional permit as long as it was made clear that it was a conditional permit and that the Zoning Board could make a recommendation to not allow these changes and of course if the County Board consider those changes to not be allowed, that was made very clear. They were permitted and allowed to do that construction under that auspices basically, understanding was in essence of course this board and the County Board still had to make those rulings. It is correct that permits were issued, it is unusual, but it was taken into account the unique nature of this property, the unique nature of when this was being requested, especially the Covid-19 pandemic. This was very unique and something that is not typically done, but they did go through the conversations with individuals within county government and going through the permitting process.

Mark Klausner, owner

- We have not deviated from anything that was just said.

Margery Newman, 7 Oxbow Path, Galena, via remote access

- My question is that the picture I sent of the solar arrays are what you were expecting to be installed, because not only are they enormous, they are rather unsightly and don't really fit into the character of the territory, so that would be the question and a statement.

Gratton indicates that the appearance of solar is in the eyes of the beholder. There are people to have no objection to them and there are others that find them unsightly. We are living in a time where we are going to see more and more of them.

Mark Klausner, owner

- Those panels are surrounded by golf courses, there is not even houses around there. I would call that trick photography and is not indicative of the panels that we are putting up in other areas. That picture was made to look like all the panels are going to look like that, when in fact they are not. These are surrounded by golf course and then a second golf course, and a pond and a lake. She is entitled to her opinion.

Phil Jensen, attorney representing owner

- We provided the Zoning Office, they put our feet to the fire repeatedly, requiring information, but we have provided the schematics, location of the solar array, and there were no surprises in respect to the location.

Eric Tison indicates that solar panels of a residential nature, not a commercial solar farm, are permitted by right on any parcel under my jurisdiction.

Sandy Bury, 47 Little Cahill St, Trout Valley, IL; resident of the Galena Territory Association, owns 184 Blackhawk Trace, Galena; President of the Galena Territory Association Board of

Directors via remote access

- I want to start with the intent of the relationship we have with Eagle Ridge Resort and Spa and the Galena Territory Association. It is obvious we are a symbiotic relationship how the Galena Territory Association goes it how Eagle Ridge goes and likewise the other way. I can't speak personally and professionally as the President that the relationship we have created is about conversation of what is best for our overall association. That not only speaks to our residents in members of our own association, it is about the membership and the community that goes beyond our borders. So when I look at what we have talked about tonight and conversations in the past it has always been how do we enhance our environment not only from a place that invites people to come and play and visit, but also about how do we continue to pursue the ecological benefits we have. I am so pleased with what the efforts are from Eagle Ridge to build that relationship. When I look at solar panels, this is a game changer for us, it is not to take away from other energy sources, but to enhance. We are concerned about where our future is. When I looked opportunity that they have created in terms of enhancing their own facilities, by moving the gas tanks up to the upper level. That builds there business, but it also says that they are not wanting to build this into a truck stop on Route 20, we have the ability to serve any member that comes in, or visitor and that is what we are really about. We can pursue each anecdotal question that comes up tonight, I just want to be clear that the intentions behind the work that has been done is exactly in parallel with where the territory is. We could pick out each individual thing, but what we do is it in not a question for the board or the county to answer, that is the work that we can do together to say we are going to create the best environment we can. I am hoping the board tonight will listen to the larger question about what we are looking for and what Eagle Ridge is looking for from a zoning perspective and trust that we are going to figure that out as best we can to make the larger community and that is what our purpose is, we shouldn't rely on everything to come from the government every single time, trust that we have our best interest at heart and we are going to work together. Appreciate you listening to my comments and your time.

Sandy Bury was sworn in that her testimony was the truth

Gratton states that we believe that Galena Territory and Eagle Ridge enhances the area.

Greg Pearce, 25 High Ridge Run, Galena; Treasurer of the Galena Territory Association Board of Directors via remote access was sworn in

- I agree with the previous comments by Sandy Bury, this is as much about Eagle Ridge and members of the Galena Territory, but also the county at large, because of what Eagle Ridge actually means for the county as an employer. I am also the treasurer for Galena Territory Association Board of Directors, so I look at this a little different. After I reviewed the requested improvements, along with the complete overview legally, I see the request as having no negative effect on adjoining Galena Territory properties, and this is important to me because I live here full time. The addition of the solar panels project along with the planned facility improvements to the General Store to move and upgrade it can only demonstrate positive changes to the entire community here and all the guests that come here and as a result generate new interest. Big news creates big results, and this is pretty big news. I would suggest that you look strongly to approve all of the requests that are being made this is an investor for the future not just for the territory or Eagle Ridge, but for the County and northwest Illinois.

John Paul, 10744 S Tripp Ave, Oak Lawn, IL; owns 28 Creekwood Lane, Galena; via

remote access was sworn in

- I talked to Eric when I received the notice, I didn't understand the extent of what was going on. The changes, I agree are very minor. To make comment to person that talked about the solar panels, I think that from an area that is ecological wonderland with our dark skies and all the things we do for cleaning up the woods, I see it as an apparatus that is showing a concern for our environment. I am not totally a green person, but it is very practical and is not that unsightly and I think people see it as hey they are using solar energy, good and benefit to entire environment. I don't agree with though is the notion about subverting the process of having the hearing and starting the construction. As much as I am in favor of it, I just feel that I don't see any rational why it was done in June instead of April, it would have any significant consequences, maybe with the building season, but I don't know how much is involved with solar. I think it is a nice product and is investment in the resort and that is good for all of us because we could not afford all of the amenities we have if we had to pay for all of it without tourist and visitors.

Public Testimony Closed

Agenda Item #7

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036), have petitioned for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Commonly known as 444 Eagle Ridge Dr, Galena, IL - Case #20-13

Staff

- **Comprehensive Plan:** The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District.
- **Waste Treatment:** The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems.
- **Access Considerations:** There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- **Other Considerations:** The request includes the property where Eagle Ridge Inn currently operates collectively described in the Warranty Deed as Tract 5, identified on the exhibit for this case. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. That is not the case with this application as improvements are being proposed well after development. There are no proposed changes to the existing entrances to the Inn. The current parking area yields approximately 260 spaces. Ground mounted solar panels are proposed as per the attached site plan from the installer and located in the parking lot. No reduction of parking spaces is expected. The spa will be relocated to the existing General Store building across the street on Tract 4.
- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed

improvements exceed the limitations of Section 8-3G-7 C1.

- Adjoining parcels are zoned RP in accordance with their location in the Territory. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states adjoining landowners did call.

Public Testimony

Terry Williams, 1 Northbend Lane, Galena, via remote access was sworn in

- How many solar panels are proposed in the parking lot here?
 - Phil Jensen indicates 200 solar panels, but no parking spaces will be removed.
 - Eric Tison indicates these will be carport style design, panels will be elevated
 - Mark Klausner states they will be in the employee parking area to the east of the main parking area.

Steve Lungstrom, 27 Timberon Trail, Galena, via remote access was sworn in

- My comment is about a couple board members of the Galena Territory Association that spoke stating that they represented themselves as board members, I would make the point that they are speaking as homeowners out here, not in their official capacity for the GTA because the GTA has not addressed this officially as all. I want to make sure that you understand that is not the GTA speaking that is two homeowners in the GTA.

Sandy Bury, 47 Little Cahill St, Trout Valley, IL; resident of the Galena Territory Association, owns 184 Blackhawk Trace, Galena; President of the Galena Territory Association Board of Directors via remote access

- I would like to respond to Steve Lungstrom's comment. I agree I am a member of the GTA, but I have been elected an official and received majority of votes during my tenure, this is my fifth of six years and third year as president, although I am speaking for myself, I believe that I also represent majority of the members who elected me and I have been closely involved with the actions that have been taken I have personally walked the area that we are speaking about to understand what is going on in the area. So if you want to go to particulars of who I am speaking for, we can argue that, but I strongly believe and part of my policy and my role as a board member, I cannot separate myself as a board member and a member of the association. I also believe I have intricately been involved in this process and understand what is going on. There are a number of people that have a certain perspective on the ownership of Eagle Ridge, that I have not participated in and I am for the betterment of the Galena Association.
 - Gratton asks if an official act has been taken at the Galena Territory Association and you are not speaking for them, is that correct.
- Sandy indicates that is correct, because what the actions that are being taken by Eagle Ridge, although there are contiguous property, there are pretty clear restrictions in terms of what our deed and restrictions in our covenants and nothing is restricting Eagle Ridge acting as they are, and there is nothing that requires our participation. So in terms of anything we need to respond to is we have nothing in our contractual requirements that require us to react to this.

Margery Newman, 7 Oxbow Path, Galena, via remote access

- As Sandy and Steve did make very clear none of these zoning requests were brought to the membership for any type of meeting or any discussion, so it would be inappropriate I believe for the GTA board members who are on this call to say they are representing all of the territory owners simply because they have been elected to the board. This was never brought to the property owners.

Public Testimony Closed

Agenda Item #8

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036), has petitioned for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Commonly located at: Parcel C: 109 Eagle Ridge Dr, Galena, IL; Parcel D: 5055 W Longhollow Rd, Galena, IL; Parcel B: the NW corner of Eagle Ridge Drive and Blackhawk Trace, address TBD Blackhawk Trace; Parcel A: across from 109 Eagle Ridge Dr, Galena, address TBD Eagle Ridge Drive - Case #20-14

Staff

- **Comprehensive Plan:** The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District.
- **Waste Treatment:** The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems. There is an abandoned well that will be sealed near the existing restaurant building.
- **Access Considerations:** There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- **Other Considerations:** The request includes four parcels near the US Highway 20 entrance to The Galena Territory collectively described in the Warranty Deed as Tract 6, identified on the exhibit for this case. The parcels are generally inclusive of the golf course clubhouse, the parcel on which the large entry sign is located, a parcel on the south side of Longhollow Road with a maintenance building, and a parcel to the west of Blackhawk where the golf course irrigation system is located. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. There are no proposed changes to the existing entrances. The clubhouse for The General Golf course will be remodeled, ground mounted solar panels will be added to the parcel generally to the southeast of the clubhouse as well as the parcel to the west of the clubhouse for the irrigation system. A roof mounted solar panel will be installed to an existing maintenance shed on Longhollow. Additionally, the General Store will be added to the clubhouse building, and the gas pumps will be relocated to this site. The Planned Development District does allow for mixed use opportunities. A new sign will be added. There are approximately 95 parking spaces available as a result of the repurposing of the building interior.
- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed improvements exceed the limitations of Section 8-3G-7 C1.
- Adjoining parcels to the north of the subject properties are zoned RP in accordance with their location in the Territory. Adjoining parcels to the southwest are zoned AG. Adjoining parcels on the south side of Longhollow

Road are zoned RP. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states adjoining landowners did call

Public Testimony

- Eric Tison reads the email below into the record
Received Via Email 6/3/2020 12:41 pm
Hello, please provide some much needed oversight to the changes that have already taken place and those that are proposed. Eagle Ridge has done little to solicit input or approval for changes being made and may not have the best interests of property owners in The Galena Territory in mind. Solar panel arrays should not detract from surrounding properties purchased before their installation. What if any is the impact of having a convenience store and gas station as the first thing you see upon entering The Territory? I would hope that enforcing current zoning regulations and applying good judgment to the requested changes will help protect what's left of our property values here in The Territory. Thank you for your careful consideration. Kristel Sprovieri 5 Traverse Lane, Galena

Mark Klausner, owner

- Just want to make not that many of the GTA board of director members such as Ms. Bury, Mr. Pearce, Mr. Zehnder, Gary Bender all toured the facility. Those that have negative comments have never even asking questions. The board members have spent considerable time learning the process seeing our thoughts and how we are going to improve the community, they have spent a lot of time learning what our plans were and those that are negative have not asked a question other than negative comments.

Public Testimony Closed

Agenda Item # 9

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: : 380, 382, 384 Territory Drive and 400 Eagle Ridge Drive, Galena, IL; also including certain parcels on Eagle Ridge Drive, Territory Drive and Walnut Hill Drive - Case #20-22 and Case #20-26

Staff

- Comprehensive Plan: The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District.
- Waste Treatment: The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems.
- Access Considerations: There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- Other Considerations: The request includes parcels collectively described in the Warranty Deed as Tract 3, identified on the exhibits with each case. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to

plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. There are no proposed changes to the existing structures or golf course layout, beyond the addition of solar arrays.

- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed improvements exceed the limitations of Section 8-3G-7 C1.
- Adjoining parcels are zoned RP in accordance with their location in the Territory. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states adjoining landowners did call.

Public Testimony

None

Public Testimony Closed

Agenda Item #10

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: : 1 E Point Drive, Galena, IL; a parcel between East Point Drive, Wachter Drive and Hickory Trail; a parcel to the west of Territory Drive between Wachter Drive and Tanager Lane - Case #20-25

Staff

- Comprehensive Plan: The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District.
- Waste Treatment: The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems.
- Access Considerations: There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- Other Considerations: The request includes parcels collectively described in the Warranty Deed as Tract 1, identified on the exhibit for this case. Included for reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. There are no proposed changes to the existing structures or golf course layout, beyond the addition of solar arrays.
- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed improvements exceed the limitations of Section 8-3G-7 C1.

- Adjoining parcels are zoned RP in accordance with their location in the Territory. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states adjoining landowners did call.

Public Testimony

- Eric Tison reads the email below into the record

Received Via Email 6/3/2020 12:22 pm

June 03, 2020 please read & record attached e-mail during tonight's meeting reference case #20-25 affecting properties referenced in attachment. Susan & I will not be able to attend. We recognize that we are invited to attend the meeting as a virtual meeting. Best regards, Art & Susan Hannus. Via Email – buildingandzoning@jodaviess.org swyland@thegalenaterritory.com

June 03, 2020 Jo Daviess County Planning and Development Eric Tison, Planning and Development Administrator 1 Commercial Drive Suite 1, Hanover, IL 61041 Mr. Eric Tison: I want to thank you for taking the time to talk with me yesterday reference the rezoning of the north, east and south courses of the Eagle Ridge Resort & Spa. Susan & I would love to be at the meeting tonight, but, we have some health issues that are exacerbated by the current Covid-19 pandemic that make travel for us impossible at this time. Further, we have not had the opportunity to view the plan as posted in Hanover. This rezoning is of great concern to us as our property is located at lots 18, 20, 22 Vermilion in the Galena Territory. The house is located just below the Owner's Club and can be seen from the clubhouse. It's a big house and for many people it's the first thing they notice when looking south from the Clubhouse parking lot or swimming pool. In fact, by accident or design, our house was the focal point on last Fall's cover of the Territory Times. When we bought the property it was in need of serious repair and updating. We have invested hundreds of thousands of additional dollars in updating the home and improvements in the landscaping. The architectural review board will be able to attest to the approved changes and updates we have made. We were required to get the approval for all exterior changes to the building and property. We requested a change in the spindles on our deck to the north side of the building and our request was denied. We were told we could paint it within a certain color pallet, but, our requested change was denied. The reason given for the denial was that, "your house is a landmark and we can't permit the change". We acquiesced even as we knew others were permitted to make similar changes. The previous owners (Turner family) were further required to increase the size of the septic field thereby binding lots 20, 22 together in perpetuity in order for us to make the purchase. Our family has been coming to Territory since 1981 and we have owned two other properties prior to purchasing the Vermilion property. We have always updated the properties and we have left them in better shape than when we purchased them. We used to see the Vermilion property from the parking lot at the Owners Club and we would always ask ourselves, "I wonder who owns that house". When the opportunity arose for us to purchase the property; we did so the same day as we learned of the offering. We have great concern that the change in zoning will have a deleterious effect on the use and enjoyment of our neighboring properties. We will be grateful if the Planning and Development Committee will take great care in seeing that our rights as property owners are protected. That being said, we recognize (per our separate discussions with Mr. Tison and Mr. Wyland) that Eagle Ridge needs the current zoning changes to update and move the Spa and the Provisions Store. We know that the resort has tried to make those changes with minimal impact on property owners. We're entirely okay with that. We haven't seen the actual location for the solar array(s) planned near our property, but we have been assured that they will not do anything to disturb our use of the property. We want to make certain that our current peaceful and quiet enjoyment of our properties is not impeded. In closing, we want to thank Mr. Tison, Mr. Wyland, the GTA and

the Committee for sharing information and ensuring that the zoning laws and title restrictions are followed. We also appreciate the recording of our position for future reference. Further, let us be clear in that we wish the best for Eagle Ridge Resort and its owner, Mark Klausner. Hannus parcel identification numbers are: 08-429-005-00, 08-429-006-00, 08-429-007-00 Best regards, Arthur J. Hannus Susan A, Hannus (owner) (708) 429-9815 (7807 Marquette Dr N, Tinley Park, IL 60477)

Sandy Bury, 47 Little Cahill St, Trout Valley, IL; resident of the Galena Territory Association, owns 184 Blackhawk Trace, Galena; President of the Galena Territory Association Board of Directors via remote access

- I appreciate the letter written by the Hannus's as they have invested a great deal and appreciate what they have done to improve their properties. I would just comment that what they are concerned about are all of our concerns as well. We want to make sure that what happens is in line with what we are trying to do from a community, but the recognition is that times are changing and have to see that there are new energy sources that will provide economic benefits as well as environmental benefits. I again respect the work that has been done by Eagle Ridge in terms of managing that. We will continue to work through that as an overall organization as an association in partnership with Eagle Ridge. I want to thank them for the time they have put forth in writing their comments.

Jodi Williams, 1 Northbend Lane, Galena, via remote access was sworn in

- We appreciate the green energy movement and support and thank you for the climate support, but per your May 7th letter we were of the understanding that there were going to be solar panels put on the intersection of Creekwood and Timberline, is that really going to happen or is it just on the barn on Glen Hollow?
 - This is pertaining to the next request on the agenda.

Public Testimony Closed

Agenda Item #11

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: 10, 12 Clubhouse Drive and 6880 W Glen Hollow Road, Galena, IL; a parcel at the corner of Creekwood Lane and Timberline Drive; a parcel south of Creekwood Lane at Timberline Drive; a parcel at the corner of W Glen Hollow Road and Eagle Ridge Drive; a parcel south of Eagle Ridge Drive at Longwood Drive - Case #20-23 and Case #20-24

Staff

- Comprehensive Plan: The Comprehensive Plan denotes the Territory properties as a whole consist of a mix of residential, commercial and open space opportunities, including active and passive recreation, consistent with the intent of the Planned Development District.
- Waste Treatment: The existing Eagle Ridge Resort & Spa properties are served by public sewer and water systems.
- Access Considerations: There is an existing network of roadways and entrances associated with this request that have been in place for many years. No changes to these access facilities are being proposed.
- Other Considerations: The request includes parcels collectively described in the Warranty Deed as Tract 2, identified on the exhibits with each case. Included for

reference is Article G providing details on the Planned Development District requirements. In most all instances, the intent of this zoning district would be to plan, develop and occupy a parcel or group of parcels that was not yet improved and allow for flexibility in land uses and densities. There are no proposed changes to the existing structures or golf course layout, beyond the addition of solar arrays.

- The Planned Development District does allow for mixed use opportunities and certain improvements would be allowed without hearing if they do not exceed requirements for Minor Amendments per Section 8-3G-7 C1. Major Amendments will require a new application and hearing should the proposed improvements exceed the limitations of Section 8-3G-7 C1.
- Adjoining parcels are zoned RP in accordance with their location in the Territory. LESA – No LESA was conducted as the parcels were not zoned nor used for agricultural purposes.

Eric states adjoining landowners did call.

Public Testimony

Mark Klausner, owner

- The solar panels at the south clubhouse, there are no houses around there, in regards to the public comments from Margery Newman

- Eric Tison reads the email below into the record

Received Via Email 5/18/2020 at 11:30 am

In regards to the letter to us dated May 7, 2020, we support Mark Klausner's request to rezone for the purpose of adding solar arrays. Thank you, Diane Westervelt and Jeff Pape, 13 Cinnamon Drive, Galena, IL

- Eric Tison reads the email below into the record

Received Via Email 5/18/2020 at 1:21 pm

We are owners of the property at 14 Oak Glen Dr. (08-441-014-00) in The Galena Territory and recently received notice from your department informing us of a public hearing regarding a plan of the Eagle Ridge Resort to place an array of solar panels near our property and at other locations owned by the Resort. We probably will not be able to attend the June 3 hearing, but wish to go on record as **STRONGLY IN SUPPORT OF THIS PROJECT**. We believe that solar energy is a wave of the future, environmentally responsible and will ultimately enhance the economic viability of the Eagle Ridge Resort, with spinoff benefits to nearby property owners, as well as generating more revenues for Jo Daviess County. We know that some other property owners in The Galena Territory are opposed to this development on aesthetic grounds and expect the most vociferous among them to be at the hearing and speaking out in opposition. Beauty is in the eye of the beholder and we've never understood what makes solar panels so objectionable to some, but that's our opinion and we realize others are entitled to theirs. However, it's usually the case that persons opposed to something are energetic in making their voices heard while supporters or those who just don't care one way or the other (probably a majority of property owners in The Galena Territory) tend to ignore the issue. Please keep that in mind in the event the public hearing turns out to have an imbalance of opponents. I suspect if anyone polled all Galena Territory property owners, a sizable majority would be either in favor of the solar project or shrug their shoulders about it. We want to make sure that at least our voice is heard in support. James & Jennifer Olsztynski (5 W Central Rd Unit 109, Mt. Prospect, IL 60056)

- Eric Tison reads the email below into the record

Received Via Contact Us Form 6/2/2020 at 4:17pm

Date: 6-1-2020 First Name: Maureen Last Name: Fletcher Address: 7 Gleneagle Drive City: Galena State: IL Zip Code: 61036 Telephone Number: (563)271-9270 Email Address: Gregred2004@yahoo.com How may we contact you?: Telephone What is your question or concern?: My concern is for the zoning board and the placement of solar panels on the South course at Eagle Ridge. I urge the board to vote no on this proposal. Thank you and you may call me any time.

Terry & Jodi Williams, 1 Northbend Lane, Galena, via remote access _____ was sworn in

- I am for solar and Mr. Klausners efforts to improve Eagle Ridge Resort. This is regarding the May 7th letter received, once I received I called Eric Tison and asked where the solar panels will be and I was told they are by the south clubhouse so we drove by and there are about 80 panels over there, which is fine because I can't see over there from my house. The other panels are by the maintenance off the fifth hole of the south course, which again is no problem, but the letter states that it is asking for changes at intersection of Creekwood and Timberline, this is out my back door, so if you are putting solar panels up in that corner, I am opposed to it. Can someone clarify why the location was put in the letter and what your intentions are?
 - Mark Klausner indicates all panels will be at the south clubhouse, no panels are anywhere around there.
 - Eric Tison indicates that Timberline and Creekwood are roads that are adjoining properties to this request, which is why they were included, they were required to be included. It is a reference point to have where roads are inclusive of properties that make up this tract.
- The south clubhouse location and the maintenance location are the only two locations you have intentions on putting solar panels.
 - Mark Klausner indicates that is correct.

- Eric Tison reads the email below into the record

Received Via Email – 6/3/2020 at 3:27pm

I am writing to oppose any change to the current zoning of Eagle Ridge Resort property. Any outstanding violations by Eagle Ridge should be dealt with accordingly to uphold the legal standing of, and respect for, the zoning process. Owners in the Galena Territory, of which Eagle Ridge is a part, deserve regulated land use that meets the current zoning. Rezoning will detract from and diminish the environment that current owners enjoy, and will constitute a transfer of the value such environment provides from them to Eagle Ridge, without compensation. Please protect the many individual Galena Territory owners in this matter. Respectfully submitted, David Anderson 6 Gingham Row, Galena, IL (2322 N Cleveland Ave, Chicago, IL 60614)

Greg Pearce, 25 High Ridge Run, Galena; Treasurer of the Galena Territory Association Board of Directors _____ via remote access _____ was sworn in

- Thank everyone, this has been a very comprehensive and progressive plan laid out by Eagle Ridge and overseen by the County. It is always easier to be against something than take the time to analyze it, look through it and understand the true value in the reason for being. A guiding principles I have used as a board member is use common sense to direct you in the right way and that is something we have always tried to do at the Galena Territory and in my professional life. Eagle Ridge has demonstrated a careful professional planning that is going to enable all of us to benefit not only here in our local community, but in the County at large.

Public Testimony Closed

Mark Klausner, owner

- Eagle Ridge is also very concerned, we went to great lengths to locate these panels strategically to maintain our environment. Special attention to Thomas Ruhs, he spent a considerable amount of time with Eagle Point Solar owner, which he is just outside the door here, realigning the panels in the parking lot. His comment was, we don't want this place to look like a factory, and we want it to look like a very nice resort. So we went to great lengths to locate, but basically hide the panels, we don't want to see them either, we want this to be a nice place. We live here and it was important that we do this, it is a great step forward for us and I want to recognize the efforts of all the people that put this thing together. It was a considerable effort and we used all the sophisticated methods, such as drones and the analysis and studies were incredible. We did this with great care and concern for the property owners.

Discussion for all requests

Huschitt states it was a helpful presentation as well as the comments that people called in with, I personally have no questions.

Diedrick states I lean toward what Huschitt just said. The presentation was very detailed, I think there were comments by both for and those that have concerns. I appreciate the fact that these people took the time to make their thoughts known to us.

Mapes states he appreciates the presentation, it was good. This sounds complicated, but it is not, it is very simple. I like about it that it fits into the growth of Jo Daviess County and the Comprehensive Plan, tourism and agricultural. This is a great thing for tourism and as I am looking at what is going on in the country right now, I commend him for moving forward. I think in the future it will be a good thing for you and the County.

Tranel states everything has been said already.

Gratton states I want to thank everyone for the efforts on this, petitioner as well as staff. I agree with Phil on if we had a do over with classifying this area it would fit into the PUD for mixed development (PD Planned Development District). The only thing that is not in there that you said was in there that could be in mixed was the residential. When making those decisions at the time they were looking at the whole development residential and together when they did our zoning map. In my mind this makes great sense to do this. I think I speak for the community at large, Eagle Ridge and The Galena Territory both through their symbiotic relationship complement each other and complement the county. I think the goal for all of us is to work together to make this the best experience and business that we can provide for all of our customers. At this level we like to encourage good development. I was here when the Galena Territory was developed and Eagle Ridge incepted, and talked with Les Harbor from Branigar at that time, he wanted to use a portion of my farm for the development so we had a thorough discussion about it. I am not going to be negative toward anybody, but they did some other developments prior to this and wasn't the class development that this is. I think everybody is fearful sometimes of change when they don't know what might happen. This is one of the developments that was done well without zoning and that didn't happen in all developments. If we had to do this development over again, we recognize the other parts, but there are changes that we could make today to make it even

better yet, but we can't go back and just have that happen. I want to applaud you for working with us, with the communities, working with neighbors, I think as we share our thoughts and goals with people and they understand them, then they get on board. I see no reason for this board to put up obstacles, I don't think that is our place, our place here is to make sure we do this in a correct way with zoning. I think the procedures that we are trying to implement are moving toward that goal. I thank you all for your time and effort. At this time Covid impacts not just you, but everyone. People have accused us of not being economic development, but if I could mention one thing if we can gain some momentum, what we see if the other side of Covid, there will be downsides, but if we find that if there are lots of people that can work from home instead of a huge office building, the Galena Territory and Eagle Ridge together, I think with the right high speed internet and other things, what would be a greater place to do your work, than living there, I hope that idea catches on, let's make something good come from this if we have that opportunity and let's keep moving toward the good stuff if we can. I thank everybody and I do support this.

Eric Tison states that the ordinances that will be reviewed by the County Board, the only conditions that should be applied for reference, Mr. Jensen in his testimony was kind enough to indicate the existing uses and the proposed changes, going down the road, for some reason if I am not here and this board changes hands, that will be helpful for interpretive purposes, if another set of individuals wants to make changes they know how these were approved and what was in place at the time, so we can reference Mr. Jensen's testimony regarding existing conditions for each of the cases, that would be extremely helpful.

Agenda Item #6

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036), have petitioned for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Commonly known as: 425 Eagle Ridge Dr, Galena, IL - Case #20-15 Tract 4 (Current General Store)

Findings reviewed a – residential; per staff review; b – no, not diminished; c – value improved, no destruction; d – yes; e – not applicable, not used for agricultural purposes; f – not applicable; g - yes; h – complies with County plan yes

A motion was made by Huschitt for Case #20-15, Tract 4 to recommend approval for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development) stating the following:

1. Existing structure contains The General Store and 2 fuel pumps
2. Proposed improvements will remove The General Store and fuel pumps and relocate the spa from Eagle Ridge Inn to this property
3. Standards for Map Amendment reviewed and met

Seconded by Diedrick

Roll Call:	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	Gary Diedrick – Aye
	Peter Huschitt – Aye	

Agenda Item #7

- placement of both ground mounted and roof mounted solar panels
- Standards for Map Amendment reviewed and met

Seconded by Huschitt

Roll Call: Peter Huschitt – Aye Ron Mapes – Aye
Mel Gratton – Aye Nick Tranel – Aye
Gary Diedrick – Aye

Agenda Item #9

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: : 380, 382, 384 Territory Drive and 400 Eagle Ridge Drive, Galena, IL; also including certain parcels on Eagle Ridge Drive, Territory Drive and Walnut Hill Drive - Case #20-22 and Case #20-26 Tract 3 (North Course)

Findings stated are the same as previous request:

a – residential; per staff review; b – no, not diminished; c – value improved, no destruction; d – yes; e – not applicable, not used for agricultural purposes; f – not applicable; g - yes; h – complies with County plan yes

A motion was made by Tranel for Case #20-22 & #20-26, Tract 3 to recommend approval for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development) stating the following:

- Existing conditions include golf clubhouse, golf pro shop, 18 hole golf course, driving range, and maintenance buildings
- Proposed improvements include the placement of ground mounted and roof mounted solar panels
- Standards for Map Amendment were reviewed and met

Seconded by Diedrick

Roll Call: Mel Gratton – Aye Nick Tranel – Aye
Gary Diedrick – Aye Peter Huschitt – Aye
Ron Mapes – Aye

Agenda Item #10

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: : 1 E Point Drive, Galena, IL; a parcel between East Point Drive, Wachter Drive and Hickory Trail; a parcel to the west of Territory Drive between Wachter Drive and Tanager Lane - Case #20-25 Tract 1 (East Course)

Gratton asked about the address if should be 1 or 100.

- Eric Tison states it is correct as 1

Findings stated are the same as previous request:

a – residential; per staff review; b – no, not diminished; c – value improved, no destruction; d – yes; e – not applicable, not used for agricultural purposes; f – not applicable; g - yes; h – complies with County plan yes

A motion was made by Huschitt for Case #20-25, Tract 1 to recommend approval for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development) stating the following:

1. Existing conditions include golf clubhouse, golf pro shop, and 9 hole golf course
2. Proposed improvements include placement of ground mounted solar panels
3. Standards for Map Amendment reviewed and met

Seconded by Mapes

Roll Call:	Gary Diedrick – Aye	Peter Huschitt – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	

Agenda Item #11

Eagle Ridge of Galena LLC d/b/a Eagle Ridge Resort & Spa (Mark Klausner, 444 Eagle Ridge Dr, Galena, IL 61036, owner; Thomas Ruhs, General Manager, 444 Eagle Ridge Dr, Galena, IL 61036) are requesting a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development). Common Address: 10, 12 Clubhouse Drive and 6880 W Glen Hollow Road, Galena, IL; a parcel at the corner of Creekwood Lane and Timberline Drive; a parcel south of Creekwood Lane at Timberline Drive; a parcel at the corner of W Glen Hollow Road and Eagle Ridge Drive; a parcel south of Eagle Ridge Drive at Longwood Drive - Case #20-23 and Case #20-24 Tract 2 (South Course)

Findings stated are the same as previous request:

a – residential; per staff review; b – no, not diminished; c – value improved, no destruction; d – yes; e – not applicable, not used for agricultural purposes; f – not applicable; g - yes; h – complies with County plan yes

A motion was made by Diedrick for Case #20-23 & #20-24, Tract 2 to recommend approval for a Map Amendment from RP Planned Residential to PD Planned Development District (Mixed Use Development) stating the following:

1. Existing conditions include golf clubhouse, golf pro shop, 9 hole golf course, and maintenance building
2. Proposed improvements include placement of ground mounted solar panels
3. Standards for Map Amendment reviewed and met

Seconded by Tranel

Roll Call:	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	Gary Diedrick – Aye
	Peter Huschitt – Aye	

Reports and Comments:

Eric Tison wants to thank Sheriff Turner, courthouse Security staff, and the IT staff.

Gratton also thanked the public for getting through this in a different way.

Mapes made a motion to adjourn at 9:35 PM. Diedrick seconded. Voice Vote: All Ayes

This meeting was held virtually. The public may attend in person; however we encourage you to attend via Zoom audio as follows:

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