

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
September 24, 2008**

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

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ William Tonne
Nick Tranel
- ✓ Dave Jansen
- ✓ Karl Lawfer(Alternate)

Staff & County Board Members:

- ✓ Steve Keeffer, Highway Engineer
- ✓ Matt Calvert, JDC Health Dept.
Terry Kurt, State's Attorney
- ✓ Linda Delvaux, Building & Zoning
Ron Mapes, JDC Board Member
- ✓ Marvin Schultz, JDC Board Chair

Approval of Minutes: A motion was made by Susie Davis to accept the August 27, 2008 minutes with the following correction of spelling on page 6 to amenable. Seconded by Bill Tonne Voice Vote: All Ayes

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

New Business

Eagle Ridge Resort, LLC, owners, requesting an appeal for time extension on an existing Special Use Permit. Common Location: 444 Eagle Ridge Drive, Galena Territory

Marty Johnson, Straka Johnson Architects represent Eagle Ridge LLC

- Initially presented this request in summer of 2005. Throughout 2006 they hired a marketing firm to develop a marketing plan and to date we have not taken any deposits for any purchasers, the market conditions have been a key role in this. Owner has other property in Florida and New Orleans and that has been his concern.
- Would like to request a two (2) year time extension for the development of four (4) buildings on 14 acres and this would still be done in four (4) phases. Eagle Ridge is one of the largest employers in the county and this is vital.
- Jansen asks if these will be part of the property owners association.
 - Marty Johnson states that it was not determined, but would be to everyone's interest to become part of the association.
- Tonne asks if any changes have been done to the plan.
 - Marty Johnson states nothing has changed on the request.

Public Testimony

None

Public Testimony Closed

A motion was made by Dave Jansen to approve the request for a two (2) year time extension with no changes from the original plan as presented

Seconded by Susie Davis

Further Discussion:

- Tonne & Gratton states that this is sensible due to the financial situation of the times.

Roll Call: Dave Jansen – Aye
 Karl Lawfer – Aye
 Susie Davis – Aye
 Bill Tonne – Aye
 Mel Gratton – Aye

Ron Berning, owner & Blake Berning, petitioner, requesting a rezoning from Ag to R-1 Rural Residential and a one lot subdivision, and requesting a variance in the lot frontage requirements.
Common Location: Adjacent to 7605 North Meridian Road, Galena

Staff Report

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be on the edge of the Agricultural Preservation 2 area/Agricultural Area, and is shown to have pockets of important farmland soils. This request is approximately three (3) and one half miles north of Galena. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality.
- Waste Treatment: Soil borings were performed for this property on 4/2/08. Borings indicated that soils are suitable for a conventional septic system along a narrow draw that is located on the eastern portion of this parcel. If the eastern portion of the parcel cannot be utilized, then an alternative septic system, such as a sand filter would have to be installed.
- Access Considerations: County Highway Engineer was not available for comment.
- Other Considerations: A LESA has been completed and scored at 159. There is mostly agriculturally zoned property in the immediate area with some of it being used residentially. Just south of this request on Council Hill Road are two parcels of land that were rezoned to residential in 1999 and 2000. West of the request on High Ridge Road is the “Wienen View Subdivision” and southeast is “Council Ridge Country Estates” These parcels range from 2 acres on up. The surrounding area has seen development in the past few years.

Ron Berning, owner of the property

- We raise cows and calves and would like to have him near it because he does most of the work anyway. Road frontage is very narrow and would share the entrance and driveway

for about 200 feet and would then be able to access the requested parcel.

Discussion:

- Steve Keeffer states that it is an existing entrance, site distance is so so, but it would be better if we could trim a few trees. They may also want an easement in place for the usage of the lane.
 - Gratton states that I believe that is in place with a 30 foot wide area.
 - Ron Berning asks where you are talking about the trees to be removed.
 - Keeffer states that they may be in the right of way or possibly on the property to the north of the entrance.
 - Ron Berning states that the trees on my property can be taken care of
 - Keeffer states that they may just need to be trimmed up and not cut down.
 - Gratton states that we suggest working with the road commissioner on those issues.
- Gratton asks about the maintenance of the road in years to come. Might want to put that in writing now so that it is in place.
 - Ron Berning states as long as we are there it will be taken care of
- Tonne asks about the easement placement.
 - Keeffer states that a legal description is with the plat and should be recorded.

Public Testimony

None

Public Testimony Closed

A motion was made by Bill Tonne to recommend approval of the rezoning with a one (1) lot subdivision and a variation to the lot frontage requirement stating the following:

1. LESA 159
2. Agricultural flare of the area will be maintained
3. Property is challenged for crop production
4. Utilizing existing driveway with easement

Seconded by Dave Jansen

Further Discussion:

- Gratton states that the variance is because this is on a private road and it is not accessing a public road directly.
- Matt Calvert states that I did a site visit and soil borings were done. The borings were mostly on the east half and there was a shallow drop that goes the entire distance of the eastern part of the lot that had suitable soils, as you go further into the oak trees it becomes shallow over bedrock soils.
 - Gratton states that if the septic system was sited properly a conventional system would probably work.
 - Calvert states that if the house was placed where the good soils are then they would **not** have to use an alternative system.

Roll Call: Karl Lawfer – Aye
Susie Davis – Aye
Bill Tonne – Aye
Mel Gratton – Aye
Dave Jansen – Aye

Reports and Comments:

Steve McIntyre had questions about the Draft Zoning Ordinance in regards to lighting, if a residential airpark is allowed anywhere, notification time frame for hearings, and spelling of a word in the definitions.

Gratton states that these concerns need to be brought up at the public hearing, so if we choose to make amendments it can be done at that time.

Susie Davis made a motion to adjourn at 7:45 PM. Karl Lawfer seconded. Voice Vote: All Ayes