

**Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:30 PM
January 23, 2002**

Call to Order: Chairman Mel Gratton called the meeting to order at 7:30 p.m.

Roll Call Present:

Planning Commission:

- ✓ Melvin Gratton
- ✓ Susie Davis
- ✓ Tom Heidenreich
- ✓ William Tonne
- ✓ Nick Tranel

Staff & County Board Members:

- Duane Olivier, County Administrator
- ✓ Steve Keeffer, Highway Engineer
- ✓ Heather Eisbach, Environmental Health
- ✓ Glen Weber, States Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Merri Berlage, Jo Daviess County Board Chairperson
- ✓ Sally Toepfer, Jo Daviess County Board Member
- ✓ Dorte Breckenridge, Jo Daviess County Board Member

Approval of Minutes: A motion was made by Bill Tonne to accept the December minutes. Seconded by Tom Heidenreich Voice Vote: Bill Tonne – Aye Susie Davis – Abstain
Tom Heidenreich – Aye Nick Tranel – Abstain
Mel Gratton - Aye

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

The request for a Supplemental Special Use Permit by Goldmoor Inc, (Galena State Bank Trust #428, Patricia & James Goldthorpe), owners, requesting a Supplemental Special Use Permit to allow for the expansion of an existing Special Use Permit allowing Guest Accommodations. Common Address: 9001 Sand Hill Road, Galena has been continued until the next regular Jo Daviess County Planning Commission meeting in February.

The request for a Special Use Permit by Fritz & Jane Fuchs, owners, requesting a Special Use Permit to allow for the use of an existing building to be used as an art school, arts' supply store and a multi-purpose building to house public events (meetings special events and reception). Common Address: 2752 Cording Road, Galena has been continued until the next regular Jo Daviess County Planning Commission meeting in February.

Unfinished Business:

Hans Heymann & Nina Ahler, owners, requesting a Special Use Permit to allow for the existing home to house public events (private parties, meetings, special events etc.). Common Address: 1571 Schapville Road, Scales Mound

Presented by Hans Heyman:

- Site plan showing parking grades, 30 parking spaces, outdoor activities, directed lighting, restrictions, on-site inspection by County Building Inspector, Fire Marshall and County Health Department
- Building plans by architect
- Would apply for a liquor license and resume responsibility
- Currently has a liquor license from the state
- No public liquor sales

Discussion:

- Site plan showing 30 parking spaces with proper grade elevations and landscaping
- Occupancy main level – 1 person per 15 square feet comes out to a 38 occupancy load
- Occupancy lower level – 78 occupancy load
- Anything 50 and over would require from the Life Safety a stair enclosure from the basement to exterior exit along with other requirements
- Occupancy limit at any given time to be no more than 49 people
- Parking is adequate for the design given
- Will be attached to owner as long as they own the property as a Special Use which can be reviewed
- Time frame of review is set at three (3) years
- Will allow 1 sign, twenty (20) square feet in size. Directed soft lighting. Sign would blend into the fence. Any other sign issues will be in accordance with the Jo Daviess County Zoning Ordinance as on-premise signs.
- No onsite food preparation
- No Guest Accommodaitons
- All Building and ADA requirements must be met – bathrooms may need to be handicap accessible
- This property is located in Scales Mound Fire District

A motion was made by Bill Tonne to recommend the request for approval with the following conditions:

1. No public liquor sales
2. Must possess a current County liquor license to provide liquor for on site functions only
3. Occupancy limit main level – 38 people
4. Occupancy limit basement – 49 people
5. Occupancy limit at any given time to be no more than 49 people
6. Special Use is attached to the owners and will have to be reviewed by the Planning Commission in three (3) years.
7. Signage limited to one (1) sign, twenty (20) square feet in size. Directed soft lighting

8. No onsite food preparation
9. No Guest Accommodation usage
10. Onsite staff during operation
11. Parking and landscaping in accordance to the site plan submitted
12. Operating hours from 7:00 AM to 12:00 AM (indoor functions only)
13. Operating hours from 10:00 AM to 5:00 PM (outdoor functions only)
14. No amplified music outdoors (acoustic only allowed outdoors between the hours of 10:00AM to 5:00 PM)
15. No live music except for the above stated acoustic music
16. All Building and ADA requirements must be met

Seconded by Tom Heidenreich

Bill Tonne states that considerable consideration has been given to the type of precedent that is being set and keeping the integrity of the Comprehensive Plan.

Mel Gratton read the standards from the County Zoning Ordinance that needs to be addressed.

Standards – No special use shall be recommended for approval by the Planning Commission unless the commission shall find:

1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare

No noticeable negative effect

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair values within the neighborhood

This use will not endanger the integrity of the area

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district

Development will not be effected

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided

The property currently has adequate facilities and access roads

5. That adequate measures have been or will be taken to provide ingress and egress designated to minimize traffic congestion in public streets

Ingress, egress and are adequate and the adequate parking facilities will be provided

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Planning Commission

This request conforms to all applicable regulations.

Roll Call Vote – All Ayes

Robert & Carol Wooldridge, owners, requesting a Special Use Permit to allow for a single-family home to be used for transient rental. Common Address: 8 Heatherdowns, (SH 3 Lot 4) Galena Territory

Presented by Bob Wooldridge, owner:

- Also own 2nd home in Galena Territory
- Purchased house 3 years ago
- 4 bedroom home with a septic for 4 bedrooms just upgraded recently
- Issue came up about the window size for egress and since have measured and do comply
- Issue about the grade of the driveway – measured today with a grade of 10.05% also another spot measured a little over 7%
- Parking requirements are okay
- The lot is 3.2 acres

Public Testimony:

Bonnie Garrity 16 Hawthorne Lane, Galena

- Preserve the skies with the Comprehensive Plan asked if additional lights would be added and the answer was no.
- All lights are directed down

Vicki Simone

- Question about the driveway grade and thinks it should be conforming as others have

Terry Heim

- Ideal location 2.5+ acre, has strip of green behind, and many acres of farm around the back

Public Testimony Closed

Discussion:

- Staff Report
 - Although the Comprehensive Plan does not address transient rental directly it does support tourism.
 - A permit was issued in 1995 when this home was built for a 3-bedroom home. An expansion permit has recently been issued to upgrade the septic to a 4 bedroom home. Has area for expansion.
 - Site investigation reveals that there is currently a 12% grade on the existing driveway. There is adequate parking area.
 - Other considerations: House placement and existing screening are advantageous to the guest accommodations use.

- Design Considerations: In the course of staff review an egress window problem has come to our attention. All four bedrooms fall short of the code requirement of 5.7 square feet of openable area for egress. The bedrooms will have to have windows that meet code requirement in order to be licensed under the Guest Accommodations Ordinance.
- Staff Recommendation: Although parking, screening and septic is adequate the 12% grade on the driveway and the egress window issue make this request problematic. The home would not be able to be licensed under the Counties Guest Accommodations Ordinance if the bedroom windows do not meet egress requirements.
- Grade is the only concern which is for safety concerns
- Excellent place for a rental property

A motion was made by Tom Heidenreich to recommend approval for the Special Use Permit to allow for a single-family home to be used for transient rental stating the:

1. great location
2. approved others

with the following conditions:

1. The driveway must be determined by Steve Keeffer, County Highway Engineer to meet the 10% grade standard.

Seconded by Nick Tranel

Mel Gratton read the standards from the County Zoning Ordinance that need to be addressed.

Standards – No special use shall be recommended for approval by the Planning Commission unless the commission shall find:

1. The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare

No noticeable negative effect

2. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair values within the neighborhood

This use will not endanger the integrity of the area

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district

Development will not be effected

4. That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided

The property currently has adequate facilities and access roads

5. That adequate measures have been or will be taken to provide ingress and egress designated to minimize traffic congestion in public streets

Ingress and egress and parking are adequate.

6. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Planning Commission

This request conforms to all applicable regulations.

Roll Call Vote – All Ayes

Steve & Mary Bader, owners, and Terry Redfearn, petitioner, requesting rezoning for 2 acres within a 35 acre parcel from Ag-1 General Agriculture District to R-1 Rural Residential District for a single-family home. Location: West Council Hill Road, Scales Mound

This request was returned to the Planning Commission by County Board indicating that there was new information.

Presented by Robert Busch, Attorney representing petitioner and owner

- Did not have legal council at original Planning Commission Meeting
- Petitioner would agree to shut down the quarry immediately if need be
- Quarry contract would terminate with sale of the property
- Questions about ingress/egress for driveway

Mel Gratton restates the Minutes from the Planning Commission Meeting on December 18, 2001 under the Discussion for this request. Planning Commission ruled that there is not sufficient or significant information to warrant re-opening the hearing. Below is original motion to County Board by Planning Commission from the December 18, 2001 meeting.

A motion was made by Bill Tonne to recommend denial for the rezoning from Ag-1 General Agriculture District to R-1 Rural Residential for a single-family home stating:

- LESA score of over 200 and a P.I. of 77
- Unimproved road/access
- Comprehensive Plan does not support this
- Quarry within 1000 feet

Seconded by Tom Heidenreich Voice Vote: All Ayes

Dale & Shirley Nederhoff, owners, requesting A Special Use Permit to allow for a single-family home to be used for transient rental. Common Address: 50 Stony Point (SH 20 Lot 23) Galena Territory

This request was returned to the Planning Commission by County Board indicating that there was concern about the number and spaces for parking for this rental property.

Steve Keeffer, County Engineer and Linda Delvaux, Assistant Zoning Officer confirmed the number of parking spaces for this rental property.

Planning Commission ruled that there is not sufficient information to warrant re-opening the hearing. Below is original motion by Planning Commission to County Board from the December 18, 2001 meeting.

A motion was made by Bill Tonne to recommend approval for the Special Use Permit to allow a single-family home to be used for transient rental with the following condition:

1. The home will be licensed for three (3) bedrooms (eight (8) occupancy)

Seconded by Tom Heidenreich

Voice Vote: All Ayes

New Business:

Sandra Wolfram, owner, requesting a Special Use Permit to allow for a Bed & Breakfast with meeting rooms. Common Address: 5443 E. Stagecoach Trail, Apple River

Presented by Sandra Wolfram, owner:

- Converted barn into her home and use for B&B on an occasional use
- 2-bedrooms have a shared bath
- Third bedroom would be used on occasion and has its own bath
- Meeting room would be a useful benefit
- Parking is not a problem

Public Testimony:

Fritz Fuchs:

- Have seen property and it is gorgeous and an ideal place

Bonnie Garrity:

- Asked about lighting and signage lighting

Public Testimony Closed

Discussion:

- The Staff Report indicates the following:
 - The Comprehensive Plan does support tourism, but also encourages economic development in or around a community. The Comprehensive Plan also shows this parcel as being in the AP 1 area with important farmland soils that have pockets of prime farmland soils running through it. The Apple River runs through this property and the Comprehensive Plan designates that as a Primary Environmental Corridor. The Comprehensive Plan encourages the preservation of historic buildings and under Goal V: Agriculture, Allowance of varied on-farm and rural business uses, based on impact.

- The septic system is adequate for the Bed & Breakfast

From the Illinois Private Sewage Disposal Code design flow: (assuming fifty people maximum at the request location)

Places for public assembly-5 gallons/day/person X 50 people = 250 gallons/day

Offices & Day Workers-15 gallons/day/person X 50 people = 750 gallons/day

- Although addressed off of Stagecoach the petitioner's property is accessed off of Gable Lane. Gable Lane is a graveled, township maintained road. A small privately owned bridge crosses over Apple River on the property. A structural engineer should establish weight limitations for the bridge. It should be established that emergency vehicles are able to gain access to the property. The Bed & Breakfast should not generate enough traffic to negatively affect Gable Lane.
- Other Considerations: Because of this being a rather large parcel of land, the proposed uses would not be intrusive to any of the adjoining property owners. Lighting, parking and signage should be addressed if these requests are recommended. As with other requests of the same nature the following information should be provided. The following would be needed for both the church and the Bed & Breakfast if it were to be used for a meeting room.

Building plans approved by an architect licensed to practice in the State of Illinois indicating compliance with Chapter 11, Building Regulations, of the Jo Daviess County Code of Ordinances that, in part, adopted the 1994 Uniform Building Code, the National Electric Code, the Illinois State Plumbing Code, the Illinois Accessibility Code, and the 1994 Uniform Mechanical Code. Additionally, such building plans should indicated the maximum occupancy allowed under the codes for the type of use. The Jo Daviess County Building Official must approve such plans.

A site plan showing:

- A parking area: with a parking spaces laid out in accordance with accepted standards for parking lot design along; and indicating a maximum slope in the parking area not exceeding 5 %. (Number of parking spaces to be determined by occupancy level and noted at time of approval)
- The type and location of lighting.
- The location and use of outdoor activity areas, if any.

The following is a general list of possible conditions that could be applied to the special use permit for the operation of the church and some of them possibly applied toward the Bed & Breakfast if it should be allowed to be used as a meeting facility also:

- Low-level low intensity down lighting to minimizing nighttime glare.
- Limitation on outdoor music, including electronically amplified music, and other performances.
- No onsite food preparation (food preparation allowed only in conjunction with the Bed & Breakfast)

- On site staff during operation.
- Operating hours established.
- Special Use Permit is attached to owners.

If the proposed Bed & Breakfast will be used for meetings it will have to have two bathrooms one male and one female.

- Staff Recommendation: The Bed & Breakfast would seem to be a compatible use in this area, the septic is adequate, does not create any concerns about being intrusive to other uses in the area, access is adequate and staff would recommend approval for the B&B by itself. When public meeting (gathering) areas are being requested it creates other issues, many of which we have addressed above. The petitioner is working with staff on some of the above requested material.

The Planning Commission and the petitioner have agreed to continue this request to the February meeting for the petitioner to address the following and other items with the Building & Zoning Office:

1. Site Plan showing:
 - a. Parking (number of spaces to be determined)
 - b. Floor Plan
 - c. Lighting
 - d. Outdoor activity areas
 - e. Landscaping
 - f. Grades

The following are possible conditions to be applied to the Special Use.

1. Down lighting – keeping it minimal
2. Limitation on outdoor music, including electronically amplified music, and other performances
3. No onsite food preparation (food preparation allowed only in conjunction with the Bed & Breakfast)
4. On site staff during operation
5. Occupancy level
6. Establish operating hours
7. Special Use Permit is attached to owner
8. Life safety issues

Sandra Wolfram, owner, requesting a Special Use Permit to allow for St. Johns Church to be used for wedding ceremonies, baptisms, etc.... Common Address: 5443 E. Stagecoach Trail, Apple River

Presented by Sandra Wolfram, owner:

- Moved from Elizabeth/Scales Mound Road in 1996 to their property
- Set aside from other buildings but walkable from the house
- Would like to rent out for weddings
- 1 sign that will be moved only to show where located
- No lighting would be added because nothing would be held after dark
- Weddings would be from Spring to Fall

- Grassed area would be used for the parking with people directing the traffic and is also mowed like a lawn
- Another road does drive up to the church for people that may not be able to walk to the church
- Doors on the front of church need to be re-swung out and maybe put a ramp for handicap
- Bathroom is across the parking lot in a machine shed and is handicap accessible

Public Testimony:

Hans Heyman:

- Have seen the church and support the request
- Says it is a beautiful place for this and should be emphasized

Public Testimony Closed

Discussion:

- The Staff Report indicates the following:
 - The Comprehensive Plan does supports tourism, but also encourages economic development in or around a community. The Comprehensive Plan also shows this parcel as being in the AP 1 area with important farmland soils that have pockets of prime farmland soils running through it. The Apple River runs through this property and the Comprehensive Plan designates that as a Primary Environmental Corridor. The Comprehensive Plan encourages the preservation of historic buildings and under Goal V: Agriculture, Allowance of varied on-farm and rural business uses, based on impact.
 - The Health Department does not show any septic for the Church.
 - Although addressed off of Stagecoach the petitioner’s property is accessed off of Gable Lane. Gable Lane is a graveled, township maintained road. A small privately owned bridge crosses over Apple River on the property. A structural engineer should establish weight limitations for the bridge. It should be established that emergency vehicles are able to gain access to the property. The Bed & Breakfast should not generate enough traffic to negatively affect Gable Lane, but it is possible that the use of the church could generate enough traffic to create a negative effect on Gable Lane depending on the frequency of the use.
 - Other Considerations: Because of this being a rather large parcel of land, the proposed uses would not be intrusive to any of the adjoining property owners. Lighting, parking and signage should be addressed if these requests are recommended. As with other requests of the same nature the following information should be provided. The following would be needed for both the church and the Bed & Breakfast if it were to be used for a meeting room.

Building plans approved by an architect licensed to practice in the State of Illinois indicating compliance with Chapter 11, Building Regulations, of the Jo Daviess County Code of Ordinances that, in part, adopted the 1994 Uniform Building Code, the National Electric Code, the Illinois State Plumbing Code, the Illinois Accessibility Code, and the 1994 Uniform Mechanical Code. Additionally, such building plans should indicated the maximum occupancy allowed under the codes for the type of use. The Jo Daviess County Building Official must approve such plans.

A site plan showing:

- A parking area: with a parking spaces laid out in accordance with accepted standards for parking lot design along; and indicating a maximum slope in the parking area not exceeding 5 %. (Number of parking spaces to be determined by occupancy level and noted at time of approval)
- The type and location of lighting.
- The location and use of outdoor activity areas, if any.

The following is a general list of possible conditions that could be applied to the special use permit for the operation of the church and some of them possibly applied toward the Bed & Breakfast if it should be allowed to be used as a meeting facility also:

- Low-level low intensity down lighting to minimizing nighttime glare.
- Limitation on outdoor music, including electronically amplified music, and other performances.
- No onsite food preparation (food preparation allowed only in conjunction with the Bed & Breakfast)
- On site staff during operation.
- Operating hours established.
- Special Use Permit is attached to owners.

State Plumbing Inspector states, since the requested church use is still of the same nature that the church was originally used for, they are not required to put bathrooms in the church as long as there are bathrooms available within the area.

- Staff Recommendation: The Bed & Breakfast would seem to be a compatible use in this area, the septic is adequate, does not create any concerns about being intrusive to other uses in the area, access is adequate and staff would recommend approval for the B&B by itself. When public meeting (gathering) areas are being requested it creates other issues, many of which we have addressed above. The petitioner is working with staff on some of the above requested material.
- The questions about the road will be answered when the B&B and meeting room will be addressed.
- Information about the bridge would need to be determined – load weight and structure of bridge
- Bridge will hold 36,000 lbs according to owner, but the concern is the emergency vehicles

The Planning Commission and the petitioner have agreed to continue this request to the February meeting for the petitioner to address the following and other items with the Building & Zoning Office:

1. Site Plan showing:
 - a. Parking (number of spaces to be determined)
 - b. Floor Plan
 - c. Lighting
 - d. Outdoor activity areas
 - e. Landscaping
 - f. Grades

The following are possible conditions to be applied to the Special Use.

1. Down lighting – keeping it minimal
2. Limitation on outdoor music, including electronically amplified music, and other performances
3. No onsite food preparation (food preparation allowed only in conjunction with the Bed & Breakfast)
4. On site staff during operation
5. Occupancy level
6. Establish operating hours
7. Special Use Permit is attached to owner
8. Life safety issues
9. Access (emergency vehicles)
10. Mechanical system – 1 hour fire enclosure or in sealed combustion chamber

Reports and Comments:

Vicki Simone stated what is the proper procedure and order of approval for a Guest Accommodation. Also about public testimony when does the public input have value to the Planning Commission in numbers? Use information and the relevance such as quality, accuracy, and valid testimony and bring that forward. Has information about 3 properties that were grandfathered incorrectly.

Dave Jansen asked about parking information for garages and the rental homes and how you determine if they are available or not.

Nick Tranel made a motion to adjourn at 10:20 PM. Bill Tonne seconded the motion. Voice Vote: All Ayes