

Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:30 PM
March 27, 2002

Call to Order: Tom Heidenreich 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

Approval of Minutes: A motion was made by Nick Tranel to accept the February minutes. Seconded by Bill Tonne Voice Vote: All Ayes

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

The request for a Special Use Permit by Dave Chapin (Contemporary Homes), owners, requesting a Special Use Permit to allow for a single family home to be used for transient rental located at 4 Boulder Lane, (ER 30 Lot 2) Galena Territory has been continued until the May or June Planning Commission meeting.

Unfinished Business:

Gaylord & Starr Novak, owners, requesting a Special Use Permit to allow for a single family home to be used for transient rental Common Address: 207 Blackhawk Trace, (SH 9 Lot 62) Galena Territory

Presented by John Cox, Jr., Attorney representing Gaylord & Starr Novak:

- Application originally submitted in January to be heard at the February meeting. A continuance was requested until the March meeting in order to provide a more detailed site plan.

- The site plan submitted addresses the septic system, the driveway grade and the parking area. A drawing done by Terry Leifker showing adjustments to the driveway to bring grade into compliance which requires a retaining wall has been submitted
- Owner sent letter introducing themselves and describing their situation
- Refers to page 58 of the Zoning Ordinance, the 6 Standards that are applied to every Special Use – petitioner believes this request meets those standards

Public Testimony

Grace Coconate, 209 Blackhawk Trace, (SH 9 Lot 63)

- Concerned with having to many rentals around her
- To close for comfort
- Would rather recommend that a permanent resident be there instead of a rental

Public Testimony Closed

Discussion:

- Staff Report
 - Although the Comprehensive Plan does not address transient rental directly it does support tourism.
 - Current septic system, installed 4/4/01, is sized for a three-bedroom house. Soil borings indicate replacement area available “with care” in constructing the drainfield. Possible expansion room is available at the front of the lot near Blackhawk Trace. This would be a sand filter system according to the soil depth indicated from the 2/24/01 soil borings. Placement of the parking area and future garage needs to take into account replacement area for the septic system. This lot does back to greenspace “Tract D”, but currently the Galena Territory does not allow septic systems to go into greenspace areas.
 - Access Considerations: Site investigation reveals that there is approximately an 11% grade at the beginning of the existing driveway. When site investigation was done there was some snow cover but it appears that there is adequate parking. If not, there is adequate space to create more parking.
 - Other Considerations: There is existing screening to the back and along both sides of the house. Greenspace borders along the back of the property. Due to the pie shape of the lot the house placement is close to the side lot lines and there is an existing home to the north (lot 63) in close proximity to the request
 - Staff Recommendation: Parking, screening and septic are adequate. The 15% grade on the driveway would have to be addressed and expansion area for the septic would have to be established. If the expansion area can be established and the grade of the driveway can be made compliant with the 10% standard, the staff would recommend approval.
- The new site plan indicates the driveway to be at a 10% grade over a distance of 135 feet
- Parking is needed for 4 cars, the site plan indicates enough parking
- The proximity of the house to the neighboring lot is a concern, but not overriding and is somewhat softened by the existing screening
- Driveway, septic and setbacks are all adequate and the new site plan indicates adequate driveway grade and parking can be achieved.

- Three-bedroom will not alter the residential nature of the area
- Screening should be added to the North side of the lot to soften any visual effect

A motion was made by Susie Davis to recommend the request for approval with the following conditions:

1. Additional screening added between Lots 62 & 63
2. The driveway must be completed to meet the 10% grade standard and will be determined by Steve Keeffer, County Highway Engineer.

Seconded by Nick Tranel

Tom Heidenreich 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 the alterations to the driveway and parking will create conformance to the Ordinance

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 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

New Business:

Robert Phillips & Joseph Doyle, owners, requesting a Plat Vacation. Address: 11051 W. Cross Road, Galena

Presented by Nate Kieffer, MSA:

- 1977 the parcel called Majors Addition was made for the Foley’s – 1.56 acres
- In 1988 the Foley’s bought 33 acres surrounding the smaller parcel
- When MSA surveyed they found that the driveway and part of the garage are not on the 1.56 acres
- After investigation it was discovered that the 1.56 acres was not conveyed to Mr. Phillips and Mr. Doyle when they purchased the property. (It was included in the larger parcels meets and bounds description)
- Would like to vacate the subdivision and create a 5 acre parcel that would encompass the home, accessory buildings and access road.
- The owners are considering putting the remainder of the property into a conservation easement.
- Parcels C&D are a retracement of existing lots

Public Testimony

None

Public Testimony Closed

Discussion:

- There will be no visual change and the use of the property does not change. The plat vacation will only have an effect on the underlying paperwork involved and should indicate ownership in a clearer manner.

A motion was made by Bill Tonne to recommend approval for the Plat Vacation

Seconded by Nick Tranel

Roll Call Vote – All Ayes

Duane & Deborah Wiene, owner, requesting a final subdivision approval. Location: High Ridge Road, Galena

Presented by Paul Brashaw, representing owners:

- Following through with the final subdivision plat
- One change from the one submitted prior was Stephanie Street to Stephanie Court for emergency reasons
- County Engineer has road grades and cross sections on streets

Discussion:

Access, septic and zoning has all been addressed at the preliminary plat stage. The final plat submitted reflects any changes that had been previously requested.

According to preliminary plat approval a 66 foot building setback line has been applied to the rear of lots 6-11, 15-17 on the final plat.

A motion was made by Nick Tranel to recommend approval for the final subdivision plat approval with the following condition:

1. The roads must be either bonded or finished prior to recording the plat.

Seconded by Bill Tonne

Roll Call Votes: All Ayes

Ralph Tranel, owner, requesting rezoning from Ag-1 General Agriculture District to R-2 Rural Residential District with preliminary subdivision plat approval for 6 lots. Location: Walnut Street, East Dubuque

Presented by Nate Kieffer, MSA:

- Surrounding area is a mix of residential and unplatted farm land
- The Comprehensive Plan would support this type of development
- Has a 35 foot back setback and may be enlarged to keep home closer to the front of the lots and keep development off of the ridgelines.
- Soil investigation was done on all 6 lots and found that conventional systems can not be used. Tom Golden suggested a sand filter system for each lot. The placement for the sand filter is indicated on the subdivision plat. They do realize the cost is more for a sand filter and will notify the prospective buyers of this.
- A preliminary investigation on site distance was done and indicates site distances anywhere from 250 feet to 1000 feet.

Public Testimony

None

Public Testimony Closed

Discussion:

- Staff Report
 - The Comprehensive Plan encourages subdivision development within a municipality's growth area. This subdivision request is within East Dubuque's growth area and 1½-mile subdivision jurisdiction. The Comprehensive Plan encourages "Cluster or Conservation" subdivision design.
 - A report submitted by Tom Golden indicates that all lots will have to have sand filters. This has been indicated on the subdivision plat.
 - Access Considerations: Walnut Street is a through street and adequate site distance should be established for each lot.
 - Design Considerations: Although this is a continuation of an existing subdivision it is questionable whether the topography of this parcel lends itself to development. In the

past developers have been encouraged to have planned development and to bring the whole plan forward. John F. Kennedy Acres has grown considerably over the years.

- Other Considerations: Run off and soil erosion during construction should always be taken into consideration with any kind of development. This is within 1 ½ miles of the city of East Dubuque, but the Building & Zoning Office has not had any feedback as of yet.
- Staff Recommendation: Provided all of the subdivision regulations can be met, staff would recommend approval.
- Recommend doing a study for the site distances and the speed and then stipulate where the driveways and what the speed should be on Walnut Street
- If possible accesses should be established across from existing intersections.
- The rear setbacks should be increased from 35 feet to 100 feet.
- Letter from East Dubuque stating in part:

The City Council voted 5-1 in favor of the residential rezoning and subdivision provided the property owners execute their commitment to enter into a preannexation agreement with the city of East Dubuque. If the owners fail to execute their commitment to enter into an agreement, the City Council wishes to reserve their right to revisit this matter

A motion was made by Bill Tonne to recommend approval for preliminary subdivision plat and rezoning from Ag-1 to R-2 with the following conditions:

1. Speed study be done to establish a suitable speed limit
2. Driveway placements are directly across from existing intersections if possible and shown on the subdivision plat.
3. A rear setback of one hundred (100) feet must be shown on lots 2-6 on the subdivision plat.
4. Pre annexation must be agreed to with the City of East Dubuque

Seconded by Tom Heidenreich

Roll Call Votes: All Ayes Nick Tranel - Abstain

Reports and Comments:

Vicki Simone had concerns about the rentals within the Galena Territory and the assembly usage. Staff will be addressing her questions.

Ron Aldridge questioned the request for the Dave Chapin Special Use Permit application and would like to point out that there were some deficiencies in the area map that had been submitted.

Mr. Aldridge was thanked for his awareness and was informed that the Planning Commission had already been made aware of it.

Bonnie Garrity asked what the Planning Commission meant by screening.

It was explained that when they talk about screening they are usually talking about dense evergreen plantings.

Tom Heidenreich made a motion to adjourn at 9:15 PM. Bill Tonne seconded the motion. Voice
Vote: All Ayes