

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

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

Roll Call Present:

Planning Commission:

- | | |
|-------------------|----------------------------------------------------|
| ✓ Melvin Gratton | Duane Olivier, County Administrator |
| ✓ Susie Davis | Steve Keeffer, Highway Engineer |
| ✓ Tom Heidenreich | ✓ Heather Eisbach, Environmental Health |
| ✓ William Tonne | ✓ Shane Temple, Assistance State's Attorney |
| Nick Tranel | ✓ Linda Delvaux, Building & Zoning |
| | Merri Berlage, Jo Daviess County Board Chairperson |
| | ✓ Sally Toepfer, Jo Daviess County Board Member |

Staff & County Board Members:

Approval of Minutes: A motion was made by Tom Heidenreich to accept the September minutes with the following changes:

The Staff Report for Petitgout/Simon request dated April 23, 2002 was reviewed again at the September Planning Commission meeting.

Seconded by Susie Davis Voice Vote: All Ayes

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

Unfinished Business:

The following requests are being continued:

- Request R02-06, Joseph Bristow
- Request R02-04, Tom Wienen
- Request SP02-06, Dave Chapin

New Business:

Allen & Margaret Randecker, owners, Terry & Anne Harmston, Contract Purchaser, and Greg & Peggy Harmston, petitioners, requesting a Special Use Permit to allow for the processing of grapes and a small accessory retail facility to their viticulture operation in an Ag-1 Agriculture District. Location: East side of Massbach Road, ¼ mile south of Leibert and Massbach Road intersection.

Presented by Greg Harmston, petitioner:

- Would like to expand to a winery
- Would use grapes grown on site and from other areas in Jo Daviess County

- 5,000 grape vines currently
- 10,000 vines would be producing full production in 5 years
- We would like to have 2,000 vines fully producing next year which would put it at 2,000 gallons of wine produced. 8-10,000 bottles of wine next year
- The building would be located approximately 200 – 250 feet from the road with a parking lot in front of the building
- Would eventually like to have 20 acres of grapes to.
- Would have a standard septic system for waste water treatment, but then the solid waste would be caught and dispensed of
- Traffic on Massbach Road is scant, but traffic does pick up on the weekend
- Future plan is to sell 5,000 gallons of wine
- Also would hire local help would ultimately employ 7-10 part-time and 2-4 full-time including themselves. Currently they have 3 part-time helpers during the summer.
- This is an agricultural business enterprise, the County plan would encourage.

Public Testimony

Ron Lawfer, State Representative

- Fully support the petition in front of you tonight.
- Agriculture enterprise would describe this request
- Special Use Permit is being issued under the Agriculture District.
- Under permitted uses including horticulture and viticulture, but also includes road side stands, and uses customary to the accessory use of agriculture – Why is special use permit needed for this instead of a permitted accessory use?
 - Mel Gratton states that once we enter into the retail sales and a different scale then the special use permit would be needed. The road side stands referred to the selling of seasonal produce such as watermelon. We are going forth with the Special Use under Ag-1, Special Use #36
- Wouldn't want unnecessary hurdles for future requests of this nature
- If another grower of grapes turns that into liquid and sells that to the Harmstons would they need to acquire a Special Use?
 - Mel Gratton states that he would each request has uniqueness to it and would have to be evaluated thusly.
- Asking that the road blocks be minimized for this type of operation.

Helen Schamberger, Stockton Development and Stockton Village Board

- This is an industry that uniquely encompasses agriculture and tourism which is something that fits all of Jo Daviess County. This area is not overloaded with tourism and therefore makes this unique to the eastern end of the County. The Harmstons should be commended for their addition to Jo Daviess County.

Public Testimony Closed

Discussion:

- Staff Report
 - Greg & Peggy Harmston, Petitioners, are requesting a Special Use Permit to allow for the processing of grapes and a small accessory retail facility to their viticulture operation in an Ag-1 Agriculture Zoned District.

- Comprehensive Plan: The Comprehensive Plan states that the County is eager to support existing business and industry in their efforts to expand and would support the tourism industry and also recognizes the need to stimulate and diversify the economy. At the same time the Comprehensive Plan would encourage this type of economic development in or near a Community in order to help protect the vitality of our City's and Villages. This area is shown to have important farmland soils with corridors of prime farmland and is also located in the Agriculture Preservation Area 2 according to the Comprehensive Plan.
- Waste Treatment: The retail part of the request will need a septic system sized to the number of employees and an average number of customers. The soils are adequate for a conventional system and expansion area. The process water would have to have its own disposal system. The Environmental Health Department is currently looking into disposal possibilities for the process water.
- Access Considerations: There is an existing field entrance off of S. Massbach Road which is adequate.
- Other Considerations: This request is unique in the fact that it is agriculturally related but yet has commercial/industrial flair to it. It is reasonable to have the processing of the grapes, on a small scale, in the same area as the growing of the grapes, but it creates concerns with waste water disposal, increased traffic and the possibility of growth to a larger scaled development which could be intrusive to the neighboring areas. A food license and inspections will have to be done by the Health Department if food is served and/or prepared on site.
- Development Considerations: Due to the fact that the retail end of the building will be used for the public it will have to be built to commercial and ADA standards.
- Staff Recommendation: Provided that this is kept small scale, so as not to intrude on the use of the surrounding land and the waste treatment can be addressed successfully, the staff would recommend approval. Staff feels that this is a mix of agriculture and tourism business. The Comprehensive Plan encourages alternate agricultural business as well as tourism.
- Susie Davis would like to know how the septic system is sized.
 - Heather Eisbach states that the system would be based on the number of employees and an estimate done on the number of customers, then you would oversize the drainfield. Waste water from the washing of the grapes needs to be a separate system. Tanks and drain fields could be used for the processed water you would figure out how much processed water they would have and then collect the solids so they would not go into the drainfield. The waste water needs to be addressed so that it does not pond above ground or create an odor.
- Tom asks what licensing or permits would you need to acquire.
 - Would plan on having all local, state, and federal licensing and inspections complete by August, 2003. Peggy states these are the main licenses that need to be obtained - State – manufacturer liquor Federal – AFT inspects for security reasons Local – liquor license The AFT could take up to 6 months.
- Tom Heidenreich states that the Comprehensive Plan does support agriculture very strongly.
- Mel Gratton states that the plan the petitioners have developed is very reasonable and conforms in so many ways to what we envision and worked on in the Comprehensive Plan.
- Tom asks if you use all of your land to produce grapes and how much production you see.

- Petitioner states that the maximum that they would produce would be 20 acres. Four acres of grapes is a full-time job for 5 months for 1 person. 20 acres would produce close to 10,000 gallons.
- Can you generate enough traffic to sell that amount of produce?
 - Petitioner states that marketing studies show that just by opening your doors you can sell 3,000 to 4,000 gallons with no advertising whatsoever. Maybe someday have a retail store in Galena or Stockton and possibly sell in restaurants. Will need to pursue other marketing aspects to sell the wine.
- This fits in with the Comprehensive Plan and Zoning Ordinance in conjunction with the agriculture and tourism aspects.
- Peggy Harmston states the hours are a tentative plan for now. Would like to be open when available for someone driving by that wants to purchase something. Not only open during the weekends.
- Mel states that he doesn't want to restrict the hours to weekends when the traffic will come, being open during the week would not have a negative effect. Set an upper limit for production limit and reasonable hours of business.
- Susie asks about parking conditions.
 - Greg Harmston states there should be no problem with having about an acre of parking. Could have overflow across the road at the home farm.
- The property that you own is across the road from where you want the Special Use to be.
- For safety issue parking should be on the east side of the road next to the proposed facility.
- Tom Heidenreich states that the aspect of being overly concerned about traffic on Massbach Road the Comprehensive Plan designates it as a scenic route and promotes that as tourism routes and places people should have these activities. Don't think that the traffic this will bring will cause any negative effects.
- Grapes will come in on trucks and will go through their crusher and tanks. Can crush a ton of grapes in about an hour. Don't intend for a lot of grapes to be brought in unless there is a bad year for the crops. 70 to 80 percent of the grapes will be their own.
- If there is a substantial growth then they would have to come back through the process. Might include another building or something else.
- The building requirement for the 15,000 gallon production would be 2 buildings. The initial building a 40x60 building with retail, lab, storage and production. Once they hit that 10,000 to 15,000 gallon production they would need an additional building for storage. Would not see more than 2 buildings to produce that 15,000 gallon production.
- The water issue is very seasonal and would mostly all be used. Daily use of water would be minimal and certain times of year may be slightly greater.

A motion was made by Bill Tonne to recommend approval for the Special Use Permit to allow for the processing of grapes and a small accessory retail facility to their viticulture operation in an Ag-1 Agriculture District with the following conditions:

1. Subject to all Federal, State and County Licensing
2. No outdoor music
3. The use is confined to the processing of wine with a small accessory retail use
4. 15,000 gallons maximum production
5. Parking on the east side of Massbach Road
6. Retail operation hours from 8:00 AM to 6:00 PM

Stating the following:

The Comprehensive Plan would encourage economic development, alternative agriculture, tourism and support value added products to the County.

Seconded by Tom Heidenreich

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

Would not be detrimental or a safety issue

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 due to the agricultural land around it.

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 because this is the normal and orderly development.

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

The plans are adequate.

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 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 Votes: All Ayes

Thomas Droessler, owner requesting a time extension on preliminary plat approval for Rolling Hills Estates Subdivision in accordance with the Jo Daviess County Subdivision Ordinance, Section 12-11.

A letter was submitted by Tom Droessler requesting a time extension for the preliminary plat “Rolling Hills Estate Subdivision” in accordance with the Jo Daviess County Subdivision Ordinance 12-11.

A motion was made by Susie Davis to recommend approval for the time extension of one year for the preliminary plat “Rolling Hills Estates Subdivision.”

Seconded by Tom Heidenreich

Voice Vote: All Ayes

Reports and Comments:

Mel Gratton asks that the Planning Commission recommend through the Planning and Development Committee to the County Board to write a letter in support of the continued process of the realignment of Highway 20. Bill Tonne motioned for a positive recommendation of a letter in support of the continued process of the realignment of Highway 20. Susie Davis seconded. Voice Votes: All Ayes

Dave Jansen asks about the November 15th date of the Environmental Impact Study. That date is when they say that it will be completed. What is the status of the revision of the Zoning Ordinance? Moving slowly. Almost done with the Ag District, which is a big part of the Zoning Ordinance. Working on fine tuning the LESA system. Will one of the goals be to streamline the process for certain permitted uses with set standards in certain districts to make them more of an administrative function rather than a Planning Commission function? We are working on certain aspects of that.

Jim Otis states that planning is a thought process and the streamlining of the requests should be carefully considered so as not to upset that process.

Helen Schamberger would like to see the zoning process speeded up, looking at it with an economic development perspective. A lot of the planning has been done with the Zoning Ordinance and Comprehensive Plan.

Linda Delvaux introduced Brett Gempler, GIS Department.

Susie Davis made a motion to adjourn at 9:30 PM. Tom Heidenreich seconded the motion. Voice Vote: All Ayes