

**Jo Daviess County Planning Commission/Zoning Board of Appeals**  
**Minutes for Meeting**  
**At the Courthouse-7:30 PM**  
**July 27, 2005**

**Call to Order:** 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
- Dave Jansen (Alternate)

**Staff & County Board Members:**

- Steve Keeffer, Highway Engineer
- Heather Miller, Environmental Health
- Terry Kurt, State's Attorney
- ✓ Andrew Sosnowski, Assistant State's Attorney
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, Jo Daviess County Board Member

**Approval of Minutes:** A motion was made by Tom Heidenreich to accept the June minutes with the following changes: Page 20 **Dave Jansen** seconded the motion to adjourn.  
Seconded by Nick Tranel Voice Vote: All Ayes Susie Davis - Abstain

Public hearing and recommendation on an application by Jo Daviess County for various text amendments concerning Guest Accommodations has been continued.

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

**Unfinished Business**

**Gordon & Beverly Glasgow, owners, and Blackhawk Internet (Paul Brown), petitioner,** requesting a Special Use Permit to allow for the construction and maintenance of a High Speed Internet Tower.  
Common Location: Adjacent to 530 Clark Avenue, Scales Mound

**Paul Brown, petitioner**

- Proposing to erect a tower just outside of Village limits. The tower will be 120 feet tall and the tower is made of sections. The structure will have guide wires out in three directions at a distance of 85 feet from the base of the tower. A 900 mega hertz antenna will be the technology on the tower which is 3 inches in diameter and 11 feet tall.

- Blackhawk Internet is going through the Village of Scales Mounds zoning process to inform them of the project. The Village Zoning Board voted 4-1 in favor of the request and will report to the Village Board and they voted unanimously to accept the request to locate a tower there.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan lends its support to economic develop in and around a municipality. This request is in the County, but it is within the city of Scales Mounds contiguous growth area.
- Waste Treatment: N/A
- Access Considerations: Presumably, the tower site will utilize the existing entrance to the parcel where it is proposed to be located. This existing entrance has adequate sight distance.
- Other Considerations: The Village of Scales Mound has commented on this request. (correspondence attached). Staff did notice that this request is in close proximity to the old village water tower. Petitioner has been made aware of this and it was recommended that he enter into conversation with the Village of Scales Mound about any possibilities arising from the old water tower.
- Linda states a letter was received by the Village of Scales Mound confirming what Paul Brown had stated for the positive recommendation to the County Zoning Board.
- The property surrounding the request is owned mainly by Gordon Glasgow or his son Jody Glasgow. One other property is owned by a Tim Price adjoining this.
- Mel asks what the setbacks are planned at this location from property lines.
  - Two of the anchors would need to be located on the property lines. The adjoining property owners are aware and have no opposition to that.
- Tom asks what the distance from the base of the tower to the road way is.
  - Paul states that the road up to the property is not a public road. The distance to the road is about 170 feet from the private road. Jody Glasgow states that they do own the road and is not a public road.
- Bill asks why you chose 120 feet as the height.
  - Paul states the tower is cost effective at that height, should be able to cover most of the Village of Scales Mound. The technology is good to a distance of about five (5) miles, can be more if a clear line of site is available. The people within a three (3) mile radius should be served very well. Having the tower this height will allow us to in the future connect other towers together and share a bigger bandwidth.
- Tom asks about the anchors being located on the property line.
  - Linda asks Paul what the anchor consists of.
  - Paul states that the anchor is a concrete block that is leveled with the surface of the ground with a post sticking out of the ground.
  - Linda states she would consider the anchors as an accessory structure and would need to abide by those setbacks, which are five (5) feet.

- Bill states the highest point in Illinois is not far from this. Would a tower half the height or even three fourths this height have the same technological capabilities.
  - Paul states that the further you get from the tower the more parallel you get with the tree tops, which will diminish our working radius.
- Tom asks what the advantage of connecting the towers is.
  - Paul states that this would get more bandwidth to all towers uniformly and would help better serve the customers
- Bill asks about the water tower near this request that has other antennas located on it. Could you co-locate with other cell phone towers?
  - You would have to build some type of apparatus to add it. Yes it can be done.
- Mel states that the setback from the property line should be at least equal to or greater than the height of the tower. This request looks as though it will not meet that requirement.
- Nick states that to the southwest is the same owner
  - Paul states that keeping the tower that close to the property lines will keep a minimum amount of cropland out of production.
- Nick states that we could have the adjoining landowner sign off on a statement about the setback. At what height do the towers need lighting?
  - Paul states at 199 feet and above need lighting.
- Bill asks if you have explored into co-locating on the water tower.
  - Paul states that I have not and do not wish to. A competitor has equipment located on the water tower already and would not want to have the suspicion of the other when working on the equipment.
- Tom asks if you can meet the setbacks
  - Paul states that we can meet the five (5) feet, but we would have to change the survey, taking out more cropland. It can be done though. The tower constructor is increasing the guide wires to the anchors so that they have five (5) instead of the standard four (4).
- The distance to where the tower base will sit to the house is about 159 feet.
- A new survey will need to be done to accommodate the setbacks for the structure

A motion was made by Nick Tranel to recommend approval of the request with the following conditions:

1. Contingent upon the adjoining landowner signing a waiver stating they have no objection with a lesser setback than the tower height.

Motion failed due to lack of second

A motion was made by Mel Gratton to recommend approval of the request with the following conditions:

1. Guide wires be five (5) feet from the property line
2. Structure meet the setbacks of 1.1 times the height of the tower plus the antenna (144 feet) from any property line, road or structure
3. Decommissioning plan would need to be in place and if not in use for 1 year then would need to be taken down and replenish the ground
4. All Standards have been met

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

**The request does not endanger the public health, safety, morals, comfort or general welfare; Standard Met**

- (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 diminish the enjoyment of the properties in the immediate vicinity or temporarily impair the values with the neighborhood; Standard Met**

- (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; Standard Met**

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

**The property has adequate access and parking; Standard Met**

- (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 are adequately provided; Standard Met**

- (6) 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.

**Conforms to the applicable regulations of the district; Standard Met**

Roll Call Vote: Mel Gratton – Aye  
Nick Tranel – Nay  
Tom Heidenreich – Aye  
Susie Davis – Aye  
Bill Tonne – Aye

**Kevin Linden, owner, and Blackhawk Internet (Paul Brown), petitioner,** requesting a Special Use Permit to allow for the construction and maintenance of a High Speed Internet Tower. Common Address: Approximately ¼ mile east of Broadway Road on Stagecoach Trail

This request was sent back to the ZBA from the County Board for further investigation of setbacks.

Paul Brown, petitioner

- We may not be able to do the project with the conditions that were attached to the approval.
- We were going to have an anchor to close to the water tower no matter how we turned the guide wires. We would have to cut down a very old oak tree also.
- I have looked for an alternate way of doing this. The tower builder states that we can use four (4) sets of anchors with five (5) guide wires each

**Discussion:**

- The petitioner is asking for a continuance to check further into setback issues
- Bill states that a shorter tower may get what you need, if that is an option.
- Check into a waiver from adjoining landowners
- The Village of Apple River did submit a letter dated July 6, 2005 stating that they are wanting the tower be located if 130 feet tall then at least 150 feet from the water tower.
- Tom Rutter with Aero Group out of Freeport, they have purchased Blackhawk Internet

The request has been continued till August 24, 2005.

**Eagle Ridge Inn LLC, owner,** requesting a Supplemental Special Use Permit to allow for the expansion of the existing Eagle Ridge Inn with the addition of condo units and pool area. Common Address: 444 Eagle Ridge Drive, Galena Territory

Marty Johnson, Straka Johnson Architects, representing owner

- Erosion control and stormwater plan – Nate Kieffer and Steve Schmidt from MSA have worked on these plans. The acreage is about 16.9 acres with the 30% of impervious service. The adequate parking area is included in the percentage.
- The parking requirements will be met in phase 1, but may ask for a reduction in parking spaces for phase 2 if the need is not indicated.
- Artist conceptual of the views from the lake was taken from a pontoon toward Building #2, which is the closest to the lake at about 80-85 feet. Other views include the covering in the front on Building #2, and a view of some of the greenspace in the parking area
- The building height is 46 feet measured from the lowest point of the walkout on the waters edge to the top of the ridge. This is based on the covenant agreement between Branigar and the GTA in 1992, which is a recorded document.
- Submitted a letter from Utilities, Inc about the capacities and that they are sufficient.
- Include a lighting plan for the property and the fixtures that will be used. The middle fixture would be used that was submitted and would be about 14 feet tall with sharp cutoffs to keep the glare and light pollution down.

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: Galena Territory is a Planned Unit Development and the Comprehensive Plan would encourage the vitality of a development such as this. The

expansion of the Eagle Ridge Inn with the development of the proposed condo units could only help to positively boost the successfulness of the development.

- Waste Treatment: Condo units to be served by central water and central sewer.
- Access Considerations: Access will be provided using existing roadways to the Inn and townhomes. As proposed, sight distance will be sufficient.
- Design Considerations: A stormwater retention plan should be submitted due to the substantial increase in impervious area being created and the topography of the parcel. An erosion control plan should be submitted and, during construction, special care should be given to erosion control methods. Any additional lighting should be directed down so as to eliminate any unnecessary illumination of the area. Information provided indicates a total of 172 Condo Units which would require a total of 387 parking spaces to be provided. As with all projects this size a NPDES permit must be procured from the E.P.A.  
If approval is recommended staff would suggest a stormwater retention, erosion control and lighting plan be submitted.
- Tom asks about the elevation of building 4.
  - Marty states that the site gains elevation in that location of the site. This building will sit about 12 to 14 feet higher than the other buildings. On building 4 we are about 150 feet from the water
- Bill asks about the Fire Chiefs letter.
  - Linda states that she spoke with Carl Winter, Fire Chief, and he requested a dry hydrant for each structure.
  - Marty states the buildings will have sprinkler systems and would build a retention pond which would be controlled to connect to that to use for the sprinkler system and would tie all four together. The sprinkler systems will run for 30 minutes on this controlled pond. The dry system is what the fire department would use.
- Mel states that the impervious surface ratio is 30%.
  - Nate states that the rock outcroppings will not be that much to add to the impervious surface.
- Mel states that you are picking up all the water from the parking area and everything else and directing them to one channel.
  - Nate states that is correct. There is five (5) acres of impervious surface out of the 16.9 acres.
  - Marty states that we have an additional 23.1 acres that are part of this contiguous site.
- Drew states that they can vary the height requirement for the special use

A motion was made by Tom Heidenreich to recommend approval of the request with the following conditions:

1. Drainage Plans, Stormwater Retention Plan, Erosion Control Plan, Lighting Plan
2. Harmony with the Planned Area
3. Height variation to be at 46 feet
4. Community Water and Sewer
5. Parking requirement of 387 spaces
6. Project completed in phases
7. Within the trend of development
8. Appropriate usage for this property

9. Supplemental to what exists on the property

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  
**The request does not endanger the public health, safety, morals, comfort or general welfare; Standard Met**
- (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 diminish the enjoyment of the properties in the immediate vicinity or temporarily impair the values with the neighborhood; Standard Met**
- (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; Standard Met**
- (4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided  
**The property will have adequate access and parking; Standard Met**
- (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 are adequately provided; Standard Met**
- (6) 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.  
**Conforms to the applicable regulations of the district; Standard Met**

Roll Call Vote: Nick Tranel – Aye  
Tom Heidenreich – Aye  
Susie Davis – Aye  
Bill Tonne – Aye  
Mel Gratton – Aye

## **New Business**

**Dale Thumser, owner**, requesting final plat approval for Thumser's Addition to Mount Vernon. Current Zoning: R-P Planned Residential District Total area 16.66 acres +/-, 33 Lots. Common Location: 1635 IL HWY 35 North, East Dubuque

**Steve Schmidt, MSA Professional Services representing owner**

- No major changes from the preliminary plat to the final plat.
- The six (6) foot walking path was added from Laney Lane to park lot 2.
- The Recorder's Office requested the owner to look at the name of the subdivision and they have named it Thumser's 1<sup>st</sup> Addition to Dunleith Township
- Working out the details on all the permits that are required and the plans.

## **Public Testimony**

None

## **Public Testimony Closed**

## **Discussion:**

- Linda states that you will need to add pre-directionals on the road names

A motion was made by Bill Tonne to approve the request as presented

1. Community water and sewer
2. Layout is appropriate

Seconded by Susie Davis

Roll Call Vote: Tom Heidenreich – Aye  
Susie Davis – Aye  
Bill Tonne – Aye  
Mel Gratton – Aye  
Nick Tranel – Aye

**Duane & Deb Wiene, owners**, requesting preliminary/final subdivision plat approval for Wiene View 3<sup>rd</sup> Subdivision. Preliminary – Total area 91.9 +/- acres, 54 lots, Final – Total area 53.55 +/- acres, 29 Lots. Current Zoning R-2 Rural Residential District. Common Location: North High Ridge Road

**Nate Kieffer, MSA Professional Services, representing owner**

- Not many changes have been made to the plat
- Take care of the greenspace and the outlot issue. Greenspace can be considered public recreation. This subdivision is private; they will not have any greenspace area.
- Samantha Drive they have to expand the right of way to the north and south to help maintain the culvert that needs to be installed
- The outlots had no purpose the way they were and now that they are changed it better serves everyone.
- The one outlot is being purchased by an adjoining landowner and they have signed into a contract to buy that outlot.

- The final soils have been done and the results have 20 conventional systems and only 9 alternative systems.
- Fixed the covenants and restrictions

**Public Testimony**

None

**Public Testimony Closed**

**Discussion:**

- Linda states the preliminary plat came back from the County Board because of the three outlots on the plat and the indicated greenspace setback, since then Staff has worked with MSA to satisfy those issues and would like Planning Commission to review and make recommendation on both preliminary and final plats. They did take out two (2) of the outlots, one was put in for right-of-way for the road and the other was taken out and will come forward with the residential area of phase four (4). The remaining outlot will be purchased by an adjoining landowner and will be indicated as a building setback.

A motion was made by Nick Tranel to approve the preliminary plat as presented.

Seconded by Bill Tonne

Roll Call Vote:        Susie Davis – Aye  
                               Bill Tonne – Aye  
                               Mel Gratton – Aye  
                               Nick Tranel – Aye  
                               Tom Heidenreich – Aye

A motion was made by Susie Davis to approve the final plat as presented stating the following:

1. Outlots have been taken care of by adding to right-of-way, being purchased by adjoining landowners, and will be included in Phase 4 of the subdivision.
2. The greenspace has been changed to building setback lines

Seconded by Tom Heidenreich

Roll Call Vote:        Bill Tonne – Aye  
                               Mel Gratton – Aye  
                               Nick Tranel – Aye  
                               Tom Heidenreich – Aye  
                               Susie Davis – Aye

**Jamie & Casey Richardson, owners,** requesting rezoning from Ag-1 General Agriculture District to R-1 Rural Residential District on a 3 acre parcel for a single home site. Common Location: West Cross Road, Galena

Jamie Richardson, owner

- Would like to rezone from agriculture to residential for a single family home. The location for the house is pasture land.

**Public Testimony**

Phil Schuler, adjoining landowner

- I am in favor of the request.

**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture area, and is shown to have pockets of important farmland soils. The Comprehensive Plan would encourage development adjacent to or within a mile and a half of a municipality.
- Waste Treatment: Unavailable for comment
- Access Considerations: Unavailable for comment
- Other Considerations: A LESA was done and resulted in a score of 185. This parcel is adjacent to Wiene Estates in close proximity to Deer Run Estates and within a mile and a half from the City of Galena. The City of Galena’s Plan Area Proposed Land Use Map shows this area and would indicate it only as Ag. The area would lend itself to residential use, due to the existing subdivision in the immediate vicinity. The City of Galena has not acted on this request as of yet.
- The access is a recorded easement that will be located in the center of the property.
- Bill is concerned if another lot would come forward with only a 30 foot easement.

A motion was made by Tom Heidenreich to approve the request stating the following:

1. Other development in the area
2. 1.5 miles of City of Galena and they have not responded to the request
3. LESA 185
4. Good Access
5. Soils suitable for septic

Seconded by Nick Tranel

Roll Call Vote:        Mel Gratton – Aye  
                               Nick Tranel – Aye  
                               Tom Heidenreich – Aye  
                               Susie Davis – Abstain  
                               Bill Tonne – Aye

**Bill Skepnek, owner,** requesting a 53 foot variance to allow for an addition to the home to be placed closer to the road than the ordinance would allow. Current Zoning: Ag-1 General Agriculture District. Common Address: 4500 E Welch Road, Stockton

Curt Brown, representing owner

- The building started out as a garage about 25 years ago and now is converted into a cabin. The bathroom is in the northeast corner of the house. The well and electric is on the north end of the house. The septic is to the east of the house about 12 feet. The only way to add on to the house would be to the west or south. To add on to the south would still be closer to the county

side. The elevation difference would be about 12 feet from the road to ground level at the house location. The traffic can not come up on the west side of the house.

## **Public Testimony**

None

## **Public Testimony Closed**

## **Discussion:**

### **Staff Report**

- Comprehensive Plan: the Comprehensive Plan does not address Variances.
- Wastewater treatment: Septic system installed in 1998 for a one-bedroom house. Addition of one more bedroom requires a septic system increase.
- Access Considerations: The access to this parcel is existing, is off of Welch Road, and is quite steep. The proposed addition to the building will put it closer to Scout Camp Road, which is a road that could potentially be improved (moved) in the future. Any future improvements to Scout Camp Road will be impacted by this proposal.
- Other Considerations: The County Zoning Ordinance would require front yard setbacks to be sixty (60) feet from the property line or one hundred ten (110) feet from the center line of the right-of-way, whichever is greater. Petitioner would like to put an addition on an existing home closer to the front of the lot than the ordinance would allow. The existing house location is a legal non-conformity since it existed prior to the adoption of the Zoning Ordinance and is located in a platted subdivision with lesser setbacks shown on the plat. This lot is topographically challenged. The Zoning Ordinance sets forth certain standards that must be considered before a variance can be granted by the Zoning Board of Appeals. (See attached.) The petitioner must present evidence which indicates that the requested variance qualifies under the terms set forth in the Zoning Ordinance.
- How long has the petitioner owned the property?
  - Purchased the property in 1994. The owner wanted to add on to the house because the 20 x 20 is not enough to hold all rooms he is wanting
- Bill states that even in 1994 the addition of 16 feet would not have happened with the current plat with setbacks. I do see other options for this property.
- If you would add to the south and keep the distance the same as the current house then you can do that, but you can not go any closer to the road with out getting a variance.
- Mel states that we do have an elevation difference. The least costly would be to move to the west if the road was to be changed. Do we encumber future road improvements by granting this variance?
- Bill states that the owner bought this knowing that the house was at the setback to the west. This property is not unique in the county
- Tom not sure that the request meets standard #V

A motion was made by Tom Heidenreich to recommend denial stating the following:

1. Does not meet the standards for variance #I,II,IV,V

Seconded by Bill Tonne

Mel Gratton read the standards for Variance

D. **Standards for Variance**

- (1) The Zoning Board shall not vary the regulations of this Ordinance, as authorized in Paragraph A above, unless it shall make findings based upon the evidence presented to it in each specific case that
  - (i) The plight of the owners is due to unique circumstances; **Standard Met**
  - (ii) The variance, if granted, will not alter the essential character of the locality; **Standard Met**
  
- (2) In determining whether the strict application of the Zoning Ordinance creates practical difficulties for, or imposes a particular hardship on, an applicant for a variance, the Zoning Board shall consider the extent to which the following facts have been established by the evidence:
  - (i) The particular physical surroundings, shape, topographical condition of the specific property involved would result in a particular hardship on the owner, as distinguished by a mere inconvenience, if the strict letter of the regulations were carried out  
**There are opportunities to expand structure to the south without creating additional hardships. Standard Not Met**
  
  - (ii) The conditions upon which the petition for variance are based are unique and would not be applicable, generally, to other property within the same zoning classification  
**This property is not unique in this county; Standard Not Met**
  
  - (iii) The purpose of the variance is not based exclusively upon a desire to obtain higher financial return on the property  
**The variance is for the petitioners use and not financial gain; Standard Met**
  
  - (iv) The alleged difficulty or hardship has not been created by any person presently having an interest in the property  
**Existing hardships have not been created by the petitioner; but was aware of the limitations at the time he acquired the property. Standard Not Met**
  
  - (v) The granting of the variance will not be materially detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located  
**It will affect and be detrimental to the public welfare, could cause additional cost and difficulties if the roadway should be expanded in the future; Standard Not Met**
  
  - (vi) The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion in the public streets,

or increase the danger of fire or endanger the public safety, or substantially diminish nor impair property values in the neighborhood

**It will not impair light and air to adjacent property or increase congestion on the roads nor will it impair property values;  
Standard Met**

Roll Call Vote: Nick Tranel – Aye  
Tom Heidenreich – Aye  
Susie Davis – Aye  
Bill Tonne – Aye  
Mel Gratton – Aye

**Mylinn Corporation (Mike & Linda Deschamp), owners,** requesting a Special Use Permit to allow for a single-family home to be used for transient rental. Current Zoning: R-P Planned Residential District. Common Location: 21 Lake Ridge Road (TB 2 Lot 59), Galena Territory

Petitioner not present, public testimony opened to allow public present to speak.

### **Public Testimony**

Dave Tilton, adjoining neighbor Lot 57, 58, and 60

- Bought the property in 1984
- Other homes have been built in the area and most of them are permanent residents here
- The owner is asking for a two (2) bedroom, three (3) car, six (6) maximum occupants
- The home is on the market to be sold and talking to the realtor it is being marketed for three (3) bedrooms, three (3) baths, and 2,400 square feet and for \$269,000.
- Concerned with my families safety
- Not enough people to police how many are occupying the home
- Opposed to request and submitted a letter
- The house is 75 feet from our bedrooms
- Will be harder to sell our house having a rental property next to our home

### **Public Testimony remains open**

Request has been continued to August due to owner not appearing.

**Robert & Maria Kuntz, owners,** requesting a Special Use Permit to allow under Article III, Section 3.3, C. Special Uses, (16) Garages for the storage, repair and servicing of motor vehicles. Current Zoning: Ag-1 General Agriculture District. Common Address: 9010 IL Route 84 South, Hanover

Robert Kuntz, owner

- Bought this property for my mother-in-law and saw an opportunity for my brother-in-law to use the existing building to open his own business for custom body shop.

### **Public Testimony**

None

### **Public Testimony Closed**

### **Discussion:**

## Staff Report

- Comprehensive Plan: The Comprehensive Plan Land Use Map would recognize this area to be designated as Agriculture. The Prime and Important Farmland Soils map would show this area to have fingers of important soils. This request is within the mile and half of Hanover and the Plan would encourage development within the mile and half of a community.
- Special Development Considerations: This parcel is surrounded on three sides by property owned by Whalens and is used as part of their Duck hatchery business. The property immediately across Highway 84 is Storybrook Country Club.
- Waste Treatment: If plumbing is planned for the building, then a septic system sized accordingly for the business would need to be installed.
- Access Considerations: The property uses an existing entrance off of Illinois 84. The Illinois Department of Transportation should be contacted to see if this proposed change of use will impact the status of the entrance, and whether changes are necessary.
- Other Considerations: This request is coming forward as a special use under Article III, Section 3.2, C. Special Uses, (16), Garages for the storage, repair and servicing of motor vehicles. The existing building that is intended for use would need to be inspected for Health and building compliance. A parking area would need to be delineated for the public use. Signage will need to comply with the County's Ordinance.
- Linda states that she spoke with IDOT and the petitioner does need to contact them and get a permit for that particular use that they are wanting.
- Mel asks what type of parking and traffic would be generated and available at the location
  - Petitioner states that this operation would not generate a high traffic or parking. There should be plenty of parking at the location already.
- Would any cars be stored outside?
  - There would be no cars stored outside.
- What type of hours of operation would it be open?
  - Normal business hours. We have water to the building.
- What type of signage would you need?
  - We have a sign on the building and would like a sign at the road.
  - Linda states that the signs would have to meet the sign regulations in the Zoning Ordinance, if they are wanting anything different it would need to be addressed as part of the Special Use
- Susie asks about safety of any automotive materials will need to be disposed of properly and regulated by the Health Department.
- Nick asks about the setbacks on the Building
  - Linda states that this is an existing building and does meet the setbacks for an accessory building. You are not changing the zoning on the property; you are just adding a special use permit.

A motion was made by Bill Tonne to approve the request with the following conditions:

1. 1.5 miles outside of the Village of Hanover
2. Existing Building and is setback adequately from the road
3. Adequate parking area

4. Building will need to be inspected by Health Department and Building Inspector to meet all codes for intended usage
5. Stored vehicles be located in the building
6. Septic regulations per Health Department
7. IDOT access approval is required
8. Additional lighting be full cut off and downward
9. Standards for Special Use met

Seconded by Susie Davis

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  
**The request does not endanger the public health, safety, morals, comfort or general welfare; Standard Met**
- (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 diminish the enjoyment of the properties in the immediate vicinity or temporarily impair the values with the neighborhood; Standard Met**
- (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; Standard Met**
- (4) That adequate utilities, access roads, drainage, and/or other necessary facilities have been or are being provided  
**The property will have adequate access and parking; Standard Met**
- (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 are adequately provided (with IDOT approval); Standard Met**
- (6) 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.  
**Conforms to the applicable regulations of the district; Standard Met**

Roll Call Vote: Tom Heidenreich – Aye  
Susie Davis – Aye  
Bill Tonne – Aye  
Mel Gratton – Aye  
Nick Tranel – Aye

**Oak Prairie Wind Farm, (John Creighton & Cecil Creighton), owners,** requesting a Special Use Permit to allow for the construction of a wind farm consisting of six(6) 1500-2000KW wind turbines. Common Location: Property in Section 8 & 17, Nora Township with road frontage on East Canyon Road, North Mammoser Road and North Tiger Whip Road.

John Creighton, owner

- Designed a much smaller project with an electrical structure in the neighborhood. Legally we have to be an LLC company and the name is Oak Prairie Wind Farm. Have applied for a USDA grant to help with this project. Part of that we had to write a mission statement.
- In the paper states that I am wanting to make money and I plead guilty of that. I am a sixth generation farmer in my family and hope to have a seventh. We will seek to provide clean renewable and emissions free power. We will contribute substantially to our local economy including local contractors and tax base.
- The circles on the picture indicate a 1,400 foot setback. The standard setback throughout the country is 1,000 feet.
- The Governor has as part of his economic plan has targeted this part of the state for development of wind energy. We have an excellent wind resource here. We have a reasonably good transmission lines. There are currently operating wind farms in Paw Paw in Lee County also another in located in Bureau County. Keith Bolin of Bureau County High School is here to speak, which they have an operating wind turbine on the property of the school. The wind projects are a tremendous contribution to the local economy such as maintenance and operating. We will be very significant to the local tax base. The Governor's proposed Renewable Portfolio Standard states that 2% renewable energy to Illinois customers by 2006, increasing 1% annually to 8% by 2012. 75% of that is supposed to be done by wind generation in Illinois. Other projects are being proposed in Baileyville, Boone County.
- We will spend a minimum of \$4 million dollars for construction cost, most of that will be paid to local vendors with one exception is the crane, which is not available in this area. We will have an operation and maintenance budget of at least \$500,000, 60% to go to payroll. 28 million kilowatt hours of local power that will be consumed locally. We will contribute to the stability of the local power grid through Common Wealth Edison. Other cities have become tourist attractions with tours of the facilities. Major source of taxes. Will raise property values.
- Wind energy produces 27% more jobs than coal plans, 66% more jobs than natural gas plants. The source is the New York states energy research development authority.
- Local ownership benefits local economies – contractors, banks and professional services
- We are estimating a \$14 million construction cost. We are considering 25% of construction cost as real property equaling \$1,166, 666, which will yield just under \$90,000 in tax revenue per year.
- We are looking at six (6) turbines at 9 MW, which will produce enough electricity for 5,100 homes a year. We are looking at building five (5) turbines at 10 MW also.
- Environmental impact will be 250,000 tons of coal not burnt, which is a line of coal trucks 100 miles long. 800,000 barrels of oil, an average size oil supertanker, not imported and burned

which at today's prices would be about \$48,000,000 that will not go over seas, but stay in the United States.

- We will be an absolute emissions free facility. We will offset 24,000 tons of CO<sub>2</sub>, 60 tons of SO<sub>2</sub>, 60 tons of NO<sub>x</sub> and 900 tons of various other chemicals, including but not limited to lead, mercury, cesium, radium, and arsenic. This source is the Bonneville Environmental Foundation and Windustry.
- We will not bring to the community is noise which modern turbines are very quiet. I was at the Montfort site and the only noise you could hear was the humming of the transformers at the base of the turbine. Many schools have located turbines on campuses. We will consume no resources and emit no emissions. We will not tax any local services, schools, fire, police, or parks. We will have a fire protection plan on file. Property values will not be decreased due to the project.
- The study was done at 8,773 turbines on 30 wind farms in 10 states; there results were that wind turbines will not negatively decrease adjoining property values.
- The noise near a turbine is very quiet and will not generate more than 40 db at the 1,400 setback. This is the equivalent of the fan in your computer, your refrigerator, or the reading room in your public library. Material source "National Institute of Deafness and Communication.
- In Bureau County they have a wind ordinance that mandated a 750 foot setback from any residence; Crescent Ridge designed the wind farm so that the towers are at least 1,000 feet away from any residence, most on an average of 1,400 foot setback. Noise dissipates as the distance is increased. The blade of these state-of-the-art turbines turn at the same slow and steady rate even when wind speeds increase. That means that there is less opportunity for mechanical noise to be created. As blade airfoils have become more efficient, more of the wind is converted into rotational torque and less into acoustic noise. In addition, the whole turbine enclosure is constructed as a single long sound box, which absorbs noise and provides effective sound insulation.
- Flicker of the reflection – due to the high angle of the sun at 42 degrees north this will not be an issue. On the shortest day of the year December 21 (25 degrees observed elevation) our towers will cast a shadow of 858 feet, much less than the 1,400 foot setback.
- Not only will this development not hurt tourism, it will become attraction in its own. Both the Paw Paw and Montfort have added staff to accommodate the demand for tours.
- The view if they are ugly is subjective, if you don't like the way they look there is very little that can alter that. Some people will hold this opinion; many more will find them graceful.
- Northeastern Jo Daviess County is decreasing in numbers. The median age for the state is 34.7. Jo Daviess County is 2<sup>nd</sup> oldest in the state.
- 39.6% travel outside of the county for employment.
- We will be a good neighbor
- Looking east at 2,000 feet would be house number 7
- Loren Johnson lives in the center of a wind farm in Wisconsin, three towers 1,100 feet to the south of him, 17 towers ¾ miles to the north of him.
- Keith Bolin has worked with the Bureau development
- Professor Roger Brown, Western Illinois University has done extensive research into these properties.

#### Loren Johnson, Cobb, Wisconsin

- Owns land Montfort Wind Farm, three tower 1,100 feet from the house

- The noise – invite to see it is very quiet
- One of six landowners that is involved in the Montfort Wind Farm
- If the wind gets over 50 miles per hour the turbine will shut down. Another problem could be ice, but if the blades get out of balance it will shut off.
- 20 revolutions per minutes
- 160 acre farm 1 mile from the wind farm and that sold for \$5,000 an acre. Property values haven't dropped
- Loren Johnson address: 966 County Road B, Cobb, Wisconsin 608-623-2591, would invite public to visit

Keith Bolin, Monmouth, Illinois School Board Member Bureau Valley School

- Built new school
- Sit on the Corn Growers Board of Directors
- High School wanted to find a way to cut electricity costs. Save \$100,000 annually. \$50,000 note payment annually for ten years.
- Built the tower next to the school 550 feet from the shop area
- Flicker – hits east wall of High School – worst case is 40 days will hit music room wall. As official they were concerned with the student's welfare.
- I am not involved financially with the project.
- Article in the Chicago Tribune this Wednesday

Professor Roger Brown, Western Illinois University

- I am part of the Illinois Rural Affairs and primarily involved in the quality of life in rural Illinois. We have been looking at wind energy for the last three years. Studied wind farms in other states. Lee County, Mendota Hills in operation for 18 months looking into the impact on the community, not only land values, but tourism, traffic and so on.
- Two homes have been started this year, subdivision with 11 lots between 2-3 acres – checking on the property values. Not easy to determine property values. 4 lots are still owned by developer, January 2002 1 lot sold and built prior to the wind farm for \$30,500. July 2004, 2 lots sold for \$35,000 apiece after the wind farm was in place. February 2004 for \$35,500 and in May 2004 sold for \$47,900 and the other at \$48,000. They will continue to monitor and see how sales progress. They are clearly in the view shed of the wind farm.
- [www.repp.org](http://www.repp.org) – studied 10 wind farms 3 years prior to wind farm and 3 years after the wind farm was in place. Property values in 8 of the 10 increased faster than those that were not in the view shed. 9 out of 10 in view shed property value increased faster than last three years than the first three. Assessor commented that wind farms do not negatively impact property values

John Creighton states that a presentation by Wes Slaymaker for technical questions, Rick Gungle, with IEE will be the elite contractor on the project. Fehr-Graham has done the environmental studies, and Warren Alt, Engineer with Windustry will also be available to present.

**Discussion:**

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan would show this request to be in the Agriculture Preservation 1 area and is shown to have mostly prime soils.
- Waste Treatment: N/A

- Access Considerations: Specific access points were not indicated on the petitioner's submission, but a general review of the area revealed many locations where safe access could be located. The petitioner has indicated that he has spoken with the Township Highway Commissioner about transporting the very heavy equipment to the site, and they have an acceptable agreement.
- Design Considerations: This request will be subject to FAA review for sighting in aviation corridors and lighting. The developer will have to submit a lighting plan and it is reviewed on a case by case basis. This information is important to have because lighting impacts the nighttime appearance. As with most ground disturbances it is recommend the petitioner notify the EPA on the project, checking on any permitting issues. Jo Daviess County has adopted Wind Energy Conversion Systems Standards in Article XIII, Section 13.12 of the County Zoning Ordinance. This section addresses Design, Installation, Setbacks, Public Roads, Operation, Noise Level, Birds, Liability Insurance and Decommissioning issues. The issue of power lines used to collect power from the individual turbines and any other lines (overhead, underground and intended path) needs to be addressed at public hearing. The affect of ice on the rotor blades and how that can be dealt with is a concern. Although not required submittals, it would be beneficial to see the wind study for this project and a projected timeline for construction.
- Julie Marks, lawyer representing for adjoining landowners was present

A motion made by Tom Heidenreich to continue to August 10, 2005 at 6:30 p.m. in the County Courtroom for a Special Meeting

Seconded by Seconded Susie Davis

Voice Vote all Ayes

**Reports and Comments:**

Tom Heidenreich made a motion to adjourn at 12:00 PM. Nick Tranel seconded the motion. Voice Vote: All Ayes