

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
July 26, 2006**

**Call to Order:** Mel Gratton called the meeting to order at 7:00 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
- ✓ Linda Delvaux, Building & Zoning
- ✓ Ron Mapes, Jo Daviess County Board  
Member

**Approval of Minutes:** A motion was made by Susie Davis to accept the June 28, 2006 minutes  
Seconded by Tom Heidenreich Voice Vote: All Ayes Mel Gratton – Abstain

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

Michael & Bonnie Gedmin, owners, requesting a variance from the required setback of ten (10) feet from a side lot line to one (1) foot from the side lot line, (9 foot variance) to allow for an accessory structure (This variance is to correct an existing violation). Current Zoning: R-P Planned Residential District.  
Common Location: 73 Tomahawk Lane, East Dubuque has been continued

**New Business**

**Galena State Bank & Trust Company as Trustee under Trust No 586 (Marvin Hartz), owner,**  
requesting a supplemental special use permit to allow for the substantial expansion of Eagle Ridge Realty.  
Common Address: 5148 US Highway 20 West, Galena – This request has been sent back to the ZBA for clarification of recommendation by the County Board.

**Discussion:**

- Mel stats that the request is for a special use in an RP District and a Special Use Commercial Uses do require 3 acres for lot size. However in Article XIII, Section 13.9 Special Use Permits C. states:

(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. – The other requirements in the district were met based on their recommendation and find for the positive findings for this request.

- The standards were previously reviewed and were found to be met; we just need to clarify the sixth standard under the special use standards.
- Ron Mapes asks about the legality of the motion
- Terry Kurt states that after a recommendation is made and sent to the County Board, if the County Board wants a legal opinion, I will make it at that time.
- Tom states that the section we are covering will tell you what the County Board and Planning Commission can do.

A motion was made by Mel Gratton to send the original motion back with clarification of 3 acre issue. Original motion as follows:

*A motion was made by Mel Gratton to approve the request with the following conditions*

- 1. Erosion Control Plan*
- 2. Landscaping Plan*
- 3. Signage as presented with downward lighting using full cut off downward projected lighting.*
- 4. Hours of Operation for the coffee shop: 6:00 am to 10:00 pm*

*Seconded by Tom Heidenreich*

3 acre clarification:

Article XIII, Section 13.9 Special Use Permits C.

(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

1. The ZBA does recognize this as an overlay commercial special use and that the Ordinance does state 3 acres under Article VI, Section 6.4 Lot Size Regulations, Commercial Use.
2. The ZBA is making their recommendation for approval with the lot size modification, enabled by standard # 6 under Article XIII, Section 13.9 (shown above).
3. The ZBA recognizes that the request meets the Yard and Separation, Bulk Regulations, Structure Height, Required Landscaping, Signage and Off Street Parking requirements.

Seconded by Tom Heidenreich

Roll Call: Dave Jansen – Abstain  
Tom Heidenreich – Aye  
Susie Davis – Aye  
Nick Tranel – Absent

Mel Gratton – Aye

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

**Discussion:**

- Asking for an additional year on the special use permit.

A motion was made by Tom Heidenreich to approve the request.

Seconded by Dave Jansen

Roll Call: Tom Heidenreich – Aye  
Susie Davis – Aye  
Nick Tranel – Absent  
Mel Gratton – Aye  
Dave Jansen – Aye

Nick Tranel present 7:30pm

**Miles White, owner, and Wayne & Patricia Simmons, contract purchasers,** requesting a rezoning from Ag-1 General Ag District to R-1 Rural Residential District. Common Location: Willow Road, Stockton

Paul Brashaw, surveyor representing request

- Talks about previous properties in the area that were rezoned.
- Decided to try and rezone this parcel that is not productive crop ground instead of taking out of production on their own farm not far down the road. This location would be for a retirement home.

**Public Testimony**

Ron Lawfer, 14123 Burr Oak Lane, Stockton

- Live about ½ mile from this request. The Willow Grove Subdivision does have a couple of lots not built up, but the adjoining landowners own the lots and are not for sale. This property would be very limited in use for Ag because of the adjoining subdivision, livestock setback issues. Wards Grove Nature Preserve is adjoining to this request and would also limit the Ag uses on the property.

**Public Testimony Closed**

**Discussion:**

**Staff Report**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in the Agriculture Preservation area 1. This parcel sits on the edge of concentrated areas of prime farmland soils. This parcel is approximately 3 miles southeast of the City of Stockton. The Counties Comprehensive Plan shows Stockton's growth area to be on all sides of the city, but does not extend as far as the requested area.

- Waste Treatment: Soil survey indicates suitable soils for a conventional septic system. Curtain drains may have to be incorporated, depending on house placement, due to soil wetness. No soil borings on file. Borings must be completed before a septic permit can be issued. Expansion area available on the parcel.
- Access Considerations: This parcel is accessed from county maintained Willow Road. There are locations along the property frontage where a driveway access can be located that will provide more than adequate sight distance.
- Other Considerations: A LESA was done and resulted in a score of 202. This parcel is approximately 3 miles from the municipal boundaries of Stockton, and just north of Willow Grove Subdivision. This subdivision is most built up with approximately 3 to 4 lots left without structures on them. There are two properties one adjacent to this request that was rezoned to R-1 Rural Residential in 2001 and a couple of properties to the north approximately 1 mile that were rezoned to R-1 Rural Residential in 2000. This property is part of the parcel to the north and east.
- Dave asks about the LESA score and the site scoring.
  - Linda states the LESA is figured on the parent parcel if the request is a split from a larger parcel
- The Nature Preserve is actually zoned as a Conservation District and may bring the LESA score down a little.
- Tom states that this property would be less of a productivity index than the property that they own down the road.

A motion was made by Nick Tranel to approve the request stating the following:

1. Existing housing nearby that was rezoned
2. Access suitable
3. Not suitable for ag cropland
4. Productivity Index is just above average with some slopes and mostly wooded
5. Would not diminish values of neighboring property
6. LESA rescored at 200 with the Nature Preserve taken into consideration

Seconded by Tom Heidenreich

Roll Call: Susie Davis – Aye  
 Nick Tranel – Aye  
 Mel Gratton - Aye  
 Dave Jansen – Aye  
 Tom Heidenreich – Aye

**Maxine & Gary Peters, owners,** requesting a rezoning from Ag-1 General Ag District to R-1 Rural Residential District. Common Location: Council Hill Road, Galena

Paul Brashaw, surveyor representing request

- This is a rough piece of property. Other parcels close to this have either been rezoned or subdivided. This would be better used for a house rather than agriculture.

Gary Peters, owner

- This property is very heavily wooded. This property as far as I know has not been farmed, maybe some cattle as some time, but not ideal because of minimal grass on the site. We are willing to modify access and septic if advised to do so by the County to meet the requirements. If the septic and well would not work we could cap the current well and drill a new well and put easements in place so that all setbacks are met.

### **Public Testimony**

#### Suzanne Hollingworth, City of Galena Zoning Administrator

- The City of Galena Comprehensive Land Use Plan map shows this area as Ag and not interested in developing because of getting city water and sewer. This would be about ¼ mile from the city services. The City Zoning Board looked at the request and the only concern they have is the access, not enough site distance for egress and ingress, otherwise they had no objection to the rezoning of the request even though the City does not have an interest in seeing this area developed.

### **Public Testimony Closed**

### **Discussion:**

#### **Staff Report**

- **Comprehensive Plan:** The Comprehensive Plan would indicate this parcel to be in the Agriculture area, and indicates mostly important farmland soils. This parcel is approximately ¼ of a mile north of the City of Galena. The Counties Comprehensive Plan does not show Galena's growth area in this direction. The City of Galena's Comprehensive Plan does not show this as a desired residential growth area. The Plan Area Proposed Land Use Map #15 shows this area to remain Agriculture.
- **Waste Treatment:** Soil survey indicates the western half of the parcel has soils unsuitable for conventional septic systems and the eastern half is suitable. No borings on file for this parcel. Soil borings must be completed before a septic permit can be issued. Expansion area available on the parcel. If the drainfield serving this property is located via easement on 4301 W. Council Hill Rd, all well and septic system setbacks must be adhered to. No setback variances are granted for new construction.
- **Access Considerations:** This parcel will be accessed from county maintained Council Hill Road. Sight distance to the south is adequate, but sight distance to the north is no more than 400 feet.
- **Other Considerations:** A LESA was done and resulted in a score of 107. This parcel is approximately ¼ of a mile from the municipal boundaries of Galena. There are two properties in this general area that have come before the Board within the last year or two. One request was for subdivision of a parcel with two existing structures and the other was a rezoning, both were approved. The zoning map would show some small parcels in the area zoned Ag with non-agricultural residences as well as some larger parcels. There are multiple existing subdivisions both in the city limits and the surrounding area of Galena. The City of Galena has the information on this request and will process it at their upcoming meeting.
- Susie asks Steve about the site distance.
  - Steve states to the north you have about 400 feet and really no simple solution to get the 500 feet of site distance. The curve in the road is the obstacle, to shave that on someone else's property and how big of a project that would

entail could be challenging. The right-of-way clearing will not get you the extra distance that is needed.

- Dave asks about changing the speed of the road.
- Tom asks about where the speed from town ends and begins.
  - Steve states there is an urban zone that if every 100 feet for ¼ mile or more a driveway exists, then the speed is 30 or 35 MPH at the edge of town. You can either do a speed study to alter a zone or qualify for the urban zone.
- Nick asks what the distance from where the new driveway to the existing driveway is.
  - Linda states it is about 100 feet.
- Mel states that you may be able to find ways to get the site distance and the septic and well.
- Mel states that this does have a low LESA score, but what exists on the property it may be problematic to get it configured and find septic replacement area in the future.
- Dave asks about the frontage of the flag lot. Asks about setback and concerned with the 500 feet of site distance to the north.
  - Mel states that it is about 31.84 feet.
- Owner asks for a continuance to look into issues for 30 to 60 days.

A motion was made by Dave Jansen to continue the request concerning:

1. Septic
2. Well
3. Driveway access

Seconded by Nick Tranel

Voice Vote: All Ayes

**Reports and Comments:**

Linda did a presentation to the Planning Commission on the GIS Website.

Nick Tranel made a motion to adjourn at 8:45 PM. Susie Davis seconded the motion. Voice Vote: All Ayes