

**Jo Daviess County Planning Commission/Zoning Board of Appeals  
Minutes for Meeting  
At the Courthouse-7:00 PM  
November 28, 2018**

**Call to Order:** Meeting to order at 7:00 p.m.

**Roll Call Present:**

**Planning Commission:**

- ✓ Melvin Gratton
- ✓ Nick Tranel  
    Laura Winter
- ✓ Ron Mapes
- ✓ Gary Diedrick  
    Jody Carroll, Alternate
- ✓ Peter Huschitt, Alternate

**Staff & County Board Members:**

- ✓ Steve Keeffer, Highway Engineer  
    Sandra Schleicher, JDC Health Dept.  
    John Hay, State's Attorney
- ✓ Eric Tison, Planning & Development  
    Robert Heuerman, JDC Board Member
- ✓ Melissa Soppe, Planning & Development

**Approval of Minutes:** A motion was made by Mapes to approve the minutes of October 24, 2018. Seconded by Diedrick. Voice Vote: All Ayes

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

**New Business**

Approval of 2019 Meeting Dates as presented with November and December changed due to holidays.

A motion was made by Tranel to accept the 2019 meeting dates as presented.

Seconded by Mapes

Voice Vote: All Ayes

**Justin & Ashley Peterson (8106 Route 84N, Galena, IL 61036)**, owners, have petitioned for a Variance from the required rear yard setback, as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A. 3 Minimum Rear Yard, of forty (40) feet to nine (9) feet; a variation of thirty-one (31) feet. Property is located in the AG Agricultural District. Commonly known as 8106 Route 84N, Galena IL 61036

**Staff**

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of maintaining the rural character and excellent quality of life in the County.
- Wastewater Treatment: A septic system was installed in 1984 to serve this house. The system is located on the east side of the house towards Highway 84.

The system is sized properly for a 2 bedroom house. Upgrades to the system will be required for the addition. This home shares a well with the farm property to the west. The variance request should not affect either of these systems. There is a second septic system on the property which will need to be properly abandoned as it is no longer in use.

- Access Considerations: This property has an existing entrance onto IDOT maintained Illinois Route 84 with adequate sight distance.
- Other Considerations: The property is located in Vinegar Hill Township on the west side of IL Route 84, is a Lot of Record and has a single family residence on site. A copy of the original plat from 1984 is included. Additions to the existing structure are subject to permitting and setback requirements for the AG district.
- Prior to applying for a building permit the applicant inquired to the Planning & Development office regarding options for placing an addition to the house on the property, as well as options for building a new house in other locations. Because of the Lot of Record status of the parcel, and its extremely small size, staff advised seeking a variance approval for the addition. The minimum lot size in the AG district is 40 acres; this parcel is platted at 0.75 acres.
- The single surrounding parcel is zoned AG Agricultural.

Gary Kaiser, surrounding landowner & father

- I have the surrounding property, bought from his mother 10 years ago, my daughter Ashley owns the house since 2012 and wants to build a house, but getting the variance has been quite hard so they would like to add on to the existing house. If we go to the east we will be on the septic, to the west we will only be about 9 or 10 feet from the property line, it is zoned ag, I don't see where that should be any issue. She is my only daughter and will end up with the farm, I don't see where the 9 or 10 feet would make a difference, but with the legal situation we are getting everything up to par with everything.

Ashley Peterson, owner

- Since we are adding a bedroom in the addition, we have contacted Tom Golden for soil borings and also Louie's Trenching for septic. If this were to be approved tonight we would move forward with both of those contractors.

Mapes asks the size of the addition

- Ashley indicates 34 x 47 foot addition

Gratton states that septic location and other places to add onto the house are difficult to accomplish, this is the best option.

- Gary Kaiser indicates that the septic is to the east and you are correct this is really the only option.

Gratton states that you own the property as a family, but we ask that you record the shared well usage and the shared entrance access, just in case someone else owns one or the other at some point.

- Gary Kaiser agrees that is a good point

**Public Testimony**

None

**Public Testimony Closed**

Diedrick asks about the setback from IL Route 84

- Eric indicates 125 feet from centerline of roadway or 75 feet from the front property line, whichever is greater. Indicates that 125 feet is met, but 75 feet may be the greater setback that needs to be met.

Standards for variance reviewed 1 - true; 2 – true, size of lot is small; 3 – true; 4 – true; 5 – true; 6 – true; 7- true

A motion was made by Huschitt to approve the variance request as presented stating the following:

1. Standards for variance are met

Seconded by Tranel

Roll Call:	Gary Diedrick – Aye	Peter Huschitt – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	

**Jeremy Basten (1445 S Rocky Hill Road, Galena IL 61036), owner**, has petitioned for a variance from the required square footage established in Title 8, Chapter 3, Section 8-3A-4 B.2.; Intensity of Use, Non Agricultural Accessory Area. The petitioner is requesting to vary from the required three thousand six hundred (3,600) square feet to six thousand five hundred twenty eight (6,528) square feet; a two thousand six hundred eighty eight square foot (2,688) variation. Property is located in the AG Agricultural District. Common Address: 1445 S Rocky Hill Road, Galena, IL 61036

**Staff**

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of planning for future infrastructure such as roadway expansion, and variances should be reviewed with that in mind.
- Wastewater Treatment: A permit is on file for the septic system serving the 3 bedroom house on this property. There is no record of a septic system for the existing accessory structure. If plumbing is proposed in the new structure, a septic system will be required. The variance request should not affect any future systems.
- Access Considerations: This property utilizes an existing entrance onto Rice Township maintained Rocky Hill Road with adequate sight distance.
- Other Considerations: This request is located on S Rocky Hill Road in Rice Township. As shown on the exhibit included with the application, the owner would like to add an additional accessory structure to the property. The Zoning Ordinance allows for a total of 3,600 square feet of non-agricultural accessory structure on lots over 3 acres (this lot has a total of 5.03 acres). At this location, by Administrative Variance #16-34 (7/20/16), an additional 240 square feet was approved for the existing accessory building. The variance request represents the total square footage for a second accessory structure on the property in addition to the 3,840 square feet already in place. Included with the application is confirmation of the intended use for the proposed accessory structure under the home occupation section of the Zoning Ordinance.
- Surrounding properties are zoned AG.

Jeremy Basten, owner

- Want to have cold storage to keep property cleaned up, shop area, and keep trailers, lawn mower and tractor inside.

Huschitt asks about the existing structures on the property and the uses.

- Jeremy Basten indicates the existing accessory building is used for a heating/ac shop.

Gratton asks to talk about your business and what you do.

- Jeremy Basten states that we run a heating and cooling business out of the existing shop building, this past winter has been busy with work and we have equipment like lawn mower and tractor in the shop and it gets cluttered, I want to remove that stuff out of there and put in this new structure. We have a couple vans that I want to keep in the structure and job trailers.

Tranel asks about the access road through the property.

- Jeremy Basten indicates that access road is gone; this is an old picture that is showing.

Diedrick asks about utilities to the structure.

- Jeremy Basten indicates that only electric will be run to the building, will have a gravel floor, no insulation or heat.

Eric Tison indicates that home occupation allows up to 4 employees work onsite for the individual and all equipment to be stored inside, Mr. Basten is aware of that and has submitted paperwork on that. You need to determine if the additional structure area is appropriate for this location.

Gratton asks about employees. You probably have maxed out home occupation, what is your business plan for the future, we hope you are very successful, but success brings growth and needs for new building and facilities.

- Jeremy Basten indicates 4 total employees including myself, 2 other employees, office secretary and myself. For what we have right now we stay consistent, I don't want to go large so that you have to struggle to get work or go out and look for work. We maintain our work schedule just fine. As far as growth you never know what the future will bring, but if it did grow, I can't grow it here.

Gratton states that this may not be the best place for a commercial entity, but does work for what you are doing now.

**Public Testimony**

None

**Public Testimony Closed**

Gratton states that this is quite large for accessory structure and normally is not larger than the main structure on the property; this is still in a residential site in an agricultural zone. This is larger at 5 acres.

Eric Tison states that this site was surprisingly well screened, we don't deal with aesthetics, but it was well screened.

Standards for variance reviewed 1 - ok; 2 – true, because of the home occupation this might make this viable in this site; 3 – true; 4 – true; 5 – ok; 6 – true; 7- ok

Standards for variance have been met

Gratton states that we do this in the Ag district, but you will end up with a sizable investment



- This farm has been in his family for 125 years, this location where he wants to build his house was the original place of the farm house. The farm has been put into his and his sister's name and his sister has signed off any rights for him so no conflicts later. The township recommended using the same existing entrance.

Gratton states that you have removed a lot of things from the property.

- Chris Lyne said it looked like a junk yard and we have totally cleaned it up. All the original farm buildings will be within his 5 acres

Diedrick asks about the access for utilities, such as an easement and the shared access roadway.

- Christ Lyne states that the main line goes right through our property and would go off that.

**Public Testimony**

None

**Public Testimony Closed**

Gratton states that we need to look closer at this with the LESA score of over 200.

- Eric Tison states that with the help of the Health Department and the GIS office, Health Department gave scores that are higher than would normally be expected with the proximity to Apple Canyon Lake, but connection to Apple Canyon Lake sewer and water systems would not likely happen. I think we can do an eye test to this property as far as the land is slightly above the county average for LE, but it does not look agricultural in nature.

Gratton states that this area has not been agricultural; it has been residential with buildings, old foundations, rocks and it has wet spots and drainage areas on site. This has a high productivity for soil and that is why the LE was higher. Previous usage dictates that it is not highly productive land. Gratton states with the sharing of access, may want to put in an easement or agreement.

- Chris Lyne states that the surveyor indicated that it was down the center of driveway, so it would be shared.
- Eric Tison states that we will clarify with petitioner at time of building permit.

Eric states for clarification that if the special use is approved they will only have 1 year from County Board date to begin construction.

- Chris Lyne states yes and he plans to build soon.

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, 6 - Additional Compliance – met

Standards for special use have been met

A motion was made by Diedrick to recommend approval of the special use request for a single family residence on a lot less than forty (40) acres stating the following:

1. Standards for special use are met

Seconded by Mapes

Roll Call:	Nick Tranel – Aye	Gary Diedrick – Aye
	Peter Huschitt – Aye	Ron Mapes – Aye
	Mel Gratton – Aye	

**Gene & Joanne Weaver (PO Box 3429, Lake Arrowhead, CA 92352) owners, Lyle Eaton (12581 Fulrath Mill Road, Mt. Carroll, IL 61053) petitioner, and Ryan Bernhardt (11521 E Meyer Road, Stockton IL 61085) contract purchaser,** have requested for a Special Use to allow for a residence on a lot less than forty (40) acres in the AG Agricultural District. Common location 5829 S Pleasant Hill Road, Elizabeth IL 61028.

### **Staff**

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in a location with mostly no prime farmland. This request is approximately 1.25 miles south of Elizabeth and in the planning radius.
- Waste Treatment: The home on this property is served by a conventional septic system which was installed in 2006. The system is sized properly for a 3 bedroom house. The septic system is located north of the house. The special use permit should not affect the system. See attached exhibit from the petitioner.
- Access Considerations: This parcel has an existing entrance onto Elizabeth Township maintained Pleasant Hill Road with adequate sight distance.
- Other Considerations: The parent parcel along S Pleasant Hill Road currently consists of 50.20 acres. The revised parcel, per the survey, will be 10 acres surrounding the existing house and include the shed. A legal parcel of just over 40 acres will remain, as shown on the survey exhibit. The home was permitted late in 2005 and constructed in 2006; therefore, the property is not eligible for an administrative existing AG split per the zoning ordinance. Additional investigation into the septic system concerns addressed by the Health Department yielded the attached exhibit from the petitioner showing the drain field location in relation to the house and property lines.
- All surrounding parcels are zoned AG.
- LESA: The Land Evaluation score on this property is 34.25 (below the County average), with an overall LESA score of 169.25. Some of the Site Assessment factors contributing to the overall score were the percent of AG land adjacent (max pts, 25), size of the parent parcel (10/15 pts), the commitment to AG adjacent (10/25 pts) and the average slope of the site (0/10 pts). A site visit to the property confirmed the severe slope moving away from the road toward the house and beyond. Additionally contributing factors were distance from community services (12/15 pts), availability of water/sewer utilities (both 8/10 pts) and while within the 1.5 mile plan radius of Elizabeth there is no municipal Comp Plan (10/20 pts).
- Please note the NRI report indicates Silurian bedrock on a portion of the property, which would require adherence to Section 8-5B-33 7 of the Zoning Ordinance. However, the location of soil on the parcel as presented is on the opposite side of Pleasant Hill Road and away from the house.

Steve Keeffer indicated no issues with the driveway.

### Lyle Eaton, petitioner surveyor

- Potential buyer Ryan is here as well.
- It has been presented very well, what questions can I answer for you.

Tranel asks about the best access for the remainder of the property

- Lyle Eaton states that any place to the north of the requested parcel would be sufficient;

the grades are not that steep.

- Eric indicates north of the request I would not anticipate any issues.

Gratton states that if we were creating this today, we might like to maybe realign that driveway; it is steep and to turn your vehicle is difficult. Just be cautious about the access.

Mapes states the septic seems to be in place and on the property.

### **Public Testimony**

#### **Merri Berlage, adjacent farm landowner to the west**

- I would welcome a young couple to the area. My concern is the driveway, it is kind of hidden, and I would hope that you guys would look at that. I am wondering about the other portion of the property and if it will be built on, I know that is not part of the request, but concerned about that.
  - Eric Tison states that the existing property owners did not mention anything or potential buyers. I believe their permanent residence is in California; the good news is that at 40 acres it is a buildable lot, so I appreciate the buyers and sellers willingness to leave a conforming parcel.
  - Gratton states that if you remember some of us argued for 80 acres or more for a single family residence, which would have alleviated some of this.
- We do have cattle and they do get out occasionally and we do haul manure.

### **Public Testimony Closed**

Mapes states he is concerned with the entrance, but if Steve says it is okay.

- Steve Keeffer states that I look at site distance, I don't get into how it is configured. We can talk about it.
- Eric Tison states that at this particular point we are dealing with a previously approved entrance, I think the petition and contract purchaser knows the concerns, but ultimately I don't think the condition of the driveway or entrance is anything you can do unless Steve had concerns about site distance. It is a little tight coming from the south, but it exists and previously approved. I would caution the contract purchaser to not put giant shrubs on either side of the driveway.
  - Ryan Bernhardt states that it was a vacation home so it was not up kept as well as it should have been where if it was someone living there full time they would have cleaned it up.

Standards for special use – 1- met, 2 – met, it is existing, 3 – met, 4 – yes, 5 – met, no concern, 6 - Additional Compliance – met

Gratton states that there is an area on this property that is highly elevated, but I don't think they will build on the other side of the road, so probably is a moot point.

Standards for special use have been met

A motion was made by Huschitt to recommend approval of the special use request for a single family residence on a lot less than forty (40) acres stating the following:

1. Standards for special use are met

Seconded by Diedrick

Roll Call: Peter Huschitt – Aye Ron Mapes – Aye  
Mel Gratton – Aye Nick Tranel – Aye  
Gary Diedrick – Aye

**One Energy Development, LLC (Bille Eddie, CEO; Travis Bryan, COO; Kristin Martinez, CFO; Jennifer Barnes; Scott Bixby, 2003 Western Ave., Suite 225, Seattle WA & Eric Udelhofen, Project Development Director, 100 S Baldwin St., Suite 300F, Madison, WI; & Ecosystem Integrity Fund II, LP, 20 Richelle Ct., Lafayette, CA 94549) petitioners and Daniel Haffele (8088 E Stagecoach Trail, Warren IL 61087) owner, have petitioned for a Special Use for a solar photovoltaic farm totaling up to two (2) MW of alternating current capacity on up to 25 acres of the subject property. Commonly known as: 8088 E Stagecoach Trail, Warren IL 61087.**

### **Staff**

- **Comprehensive Plan:** In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. The County recognizes the need to stimulate and diversify the economy and places a high value on well planned commercial and industrial growth. The County will encourage new commercial and industrial growth in areas which have the best capacity for supporting such growth and within the Contiguous Growth Areas (CGA) of communities where services are available or easily provided. Additionally, the Comprehensive Plan would indicate a majority of this parcel as farmland of statewide importance. The Plan would identify this location within Agricultural Preservation Area 1, with the 1.5 mile planning radius of Apple River.
- **Wastewater Treatment:** Based on the proposal, there are no facilities that would require a septic system or water supply for this request.
- **Access Considerations:** This project has a proposed entrance onto Warren Township maintained Canyon Park Road. There is adequate sight distance at the location of the proposed entrance.
- **Other Considerations:** This request is located on the NE corner of E Stagecoach and N Canyon Park Road, with a proposed entrance off of Canyon Park Road. The AG district requires a front setback from County roads of sixty (60) feet from the property line or one hundred ten (110) feet from the centerline, whichever is greater, as well as a minimum twenty (20) foot side yard setback and minimum forty (40) foot rear yard setback. Within the confines of the applicants 'Project Area Extent' for the placement of the solar farm, all setbacks will require adherence to the Zoning Ordinance standards. Permitting requirements will necessitate compliance with the National Electrical Code standards. Per the application, the project will not require any buildings. The property will be leased and when no longer in use, decommissioned with all improvements being removed within twelve months. The site will be monitored remotely and utilize passive technology, meaning there will be no permanent personnel on site.
- **Potential Conditions:**
  - Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution, per application
  - Locate and maintain existing drain tiles, per application
  - Vegetation buffer on entire length of West side of project area, parallel with Canyon Park Road

- A 7' chain link fence will be installed around the perimeter, per application
- Applicant requests 2 years to begin construction
- Use of native perennial plants to reduce stormwater runoff and erosion, per application
- If facility ceases to produce electricity on continuous basis the equipment must be removed and site restored to original condition
- Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning
- The homestead has an existing entrance on Stagecoach Trail. Surrounding parcels are zoned AG.
- LESA: The Land Evaluation score for this property was 64.54, with an overall LESA score of 222.54. Contributing factors to the score include the percent of land in AG (max pts, 15), the percent of AG land adjacent (max pts, 25) and the commitment to agriculture adjacent (20/25pts). Additionally, the property is within 1.5 miles of Apple River (12/15 pts), services are available for water/sewer (both 8/10 pts) with moderate limitations for disposal (20/25 pts)

#### Eric Udelhofen, Project Development Director

- Steve Griffith, colleague who worked on this application as well.
- We do have a project under construction near LaCrosse, WI and a couple near Argyle and Fennimore that will be started in January. I am based in Southern Wisconsin. This slide is based on a 4 MW, but this project is requested at a 2 MW, the land just lends to a 2MW instead of the 4MW. This would relate to 5 million kilowatts hours per year or half the size of Stockton that is the amount of output this would represent. We are planning on installing pollinator seed, low growing perennial seed mix. Picture of access road from LaCrosse, WI and we try to keep with the existing grade, low impact roads that don't alter drainage. We do have a priority key position with ComEd for this project and almost is at the point of having an interconnection agreement; they are through 3 of the 4 stages. The site plan meets setbacks, screening along the whole frontage with N Canyon Park Road. The land does slope off towards the east so from the road given the screening, we don't think the panels will be visible and having them 250 feet from the road. We are proposing a 15 foot access gravel road and electric lines will be buried next to that access road to minimize disturbance.

Mapes asks about the growth of plants to grow under the panels.

- Eric Udelhofen states that with fixed systems it is more challenging, but these are not fixed, so when they rotate the area will get some sunlight, but we put in the area that will get no sunlight use a shady mix.

Diedrick asks about the previous submissions about the electric facilities if they were to be buried or unique to this property.

- Eric Udelhofen states that I believe it is the plan for the other sites as well. It is like a wheel, all wires come to the center/like a hub of a wheel then they will go to the connection point.

Gratton asks about screening and what will be used.

- Eric Udelhofen states that we have proposed offset evergreen plants at 4 feet at time of planting.

Mapes asks about the life cycle of the project

- Eric Udelhofen states that our lease agreements are for 26 year, initial term, one year for

construction and 25 years operational. The panels come with a 25 year warranty, but we also have an option at the end to extend for 10 more years. If the project is still operating, which we intend it will be, we can keep it going for another 10 years. You expect the panels to work past the warranty just like you would a car. The panels degrade about 0.5% per year so after 25 years they are still producing at 85% of capacity. We have every incentive to keep it operational as long as we can.

Tranel asks this is a 2MW

- Eric Udelhofen states yes, the others were a 4MW.

Mapes asks about the LESA scores of the other requests

- Eric Tison indicates that the other LESA scores were not over 200 for One Energy requests.

Gratton states the LESA score is a concern, but previous discussion indicates that this is a temporary usage of the land; no basic changes are made to the soils or land. Once decommissioned it should be able to be returned to basically the same farmland or productivity. It is like a 25 year CRP, resting of the land. I don't think we are diminishing the value of the land. There is an added benefit with having the pollinators or for habitat.

### **Public Testimony**

None

### **Public Testimony Closed**

Gratton talks about the conditions potentially

Eric Tison states that the conditions that are part of the staff report will need to be adhered to in your recommendation to the county board should you decide to approve this, correct?

- All agree

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, 6 - Additional Compliance – met

Standards for special use have been met

A motion was made by Diedrick to recommend approval of the special use request for a 2MW on a 25 acres portion of this property stating the following:

1. Standards for special use are met
2. Signed Agricultural Impact Mitigation Agreement with Department of Agriculture, with decommissioning plan, to be submitted upon execution
3. Locate and maintain existing drain tiles
4. Vegetation buffer on entire length of West side of project area, parallel with Canyon Park Road
5. A 7' chain link fence will be installed around the perimeter of the solar farm
6. Two (2) years to begin construction
7. Use of native perennial plants to reduce stormwater runoff and erosion
8. If facility ceases to produce electricity on continuous basis for more than 12 continuous months, the equipment must be removed and site restored to original condition
9. Prior to issuance of building permit, facility owner shall provide Jo Daviess County with financial assurance with a bond to cover 100% of the estimated certified costs of decommissioning



- such action was specified in the petitioner's application.
- The former Territory Vet Clinic was considered a legal, non-conforming use. Because the applicants propose to repurpose the existing structures in a different manner, the legal non-conforming use would no longer be valid, which is why they are here. In looking forward at this property as proposed, any new structures to the smaller size lot will require additional applications, hearing and approval, which was made clear to the petitioner/contract purchasers. The current owner has submitted and received approval for a separation of residence in the AG district, as shown on Tract A of the application exhibit. The remaining 99 acres on Tract C, as noted in the application exhibit, are under contract to a third party and not part of the Special Use request.
  - Surrounding properties are zoned AG.
  - LESA: A Land Evaluation Site Assessment was conducted to assist the ZBA/Plan Commission with their analysis of this request. The Land Evaluation score for this property was 87 (well above County average), with an overall LESA score of 214. Contributing site assessment factors to the score include a fairly large parent parcel, as currently configured, not proposed (10/15 pts), the average slope of the site (max pts, 10) and the commitment to AG adjacent (0/25 pts). Additionally, the property is within 1.5 miles from services available in the Territory (12/15), including sewer (max pts, 10) and water (8/10 pts), with moderate limitations for septic (20/25 pts), and is inconsistent with the Comp Plan (max 20 pts) due to the property location outside a municipal planning radius.

Matt Blaum and Michael Blaum, petitioners

- We are looking to expand our storage capabilities, we were initially looking at building behind our current facility, but there were a lot of hurdles to jump over with that. This became available and seemed perfect for us. The barrels will be stored and light processing would be done here, and storing of raw goods including bottles. Light processing would be considered bottling there in the future, not wanting to move the mashing or distillation there. This would be taking product from barrel and putting into bottles.

Gratton states that you have a huge commitment to the distillation at your site, correct.

- Matt states yes, we have infrastructure and someday down the road it may be nice to have everything on one campus. Right now immediate need is storage.

Eric Tison asks to expand on the retail idea at this location.

- Matt indicates that it would be for future proofing, we have no immediate plans to do anything other than store barrels. This will be less traffic than what is currently there with the veterinary clinic. The office would maybe down the road be an area for retail when we brought people over for a tour of the barrels, to sell a t-shirt. We would not be able to sell liquor at any other place other than at our current facility, because of the State of Illinois. No bar or liquor store would be located here.
- Eric Tison states that they came to me and wanted the additional storage and selling additional merchandise or apparel onsite was brought up and as a special use request if they didn't ask for it now they would have to come back for an amended special use request later. I thought it would be more prudent to ask for both at this time, since they do not need to rezone to commercial.
- Gratton states that it is important for us to define that limited retail might entail and get that in the request.
- Huschitt states that it is very important document if this special use request was approved

and to have that language in there would be beneficial. I would think the limited retail sales excluding any sales of alcohol, because I am not opposed to selling alcohol, but we need to define this.

- Matt states that we have no immediate need for the retail, but 5 or 10 years down the road we may want to move everything here.
- Gratton states the existing structure is limiting because it is not that big and if you have offices and storage in here.

Eric asks about clarifying the tours, I don't remember that coming up before.

- Matt states that I just kind of thought of that. If we had someone at our facility and they want to go see the barrels, we have no plans for this yet.

Eric asks what the typical tour size at the existing facility is.

- Matt states it would not be anything like that. Currently that is 1-40 people. It would not be bringing a bus over; it would be a private tour.
- Eric states that they would be subject to parking requirements and would seem to be met within the confines of the Zoning Ordinance if they were to go down that road. As business owners I think they would be entitled by right to provide tours of the facility of a limited nature, I don't think this body would want to interfere with that in any way.

Mapes states that when you bring people and sell merchandise it is a public place, what about restrooms, Health Department requirements, and septic, parking, occupancy.

- Eric states we anticipate a remodeling of the house for this purpose, which will have to include permitting with our office, Health Department and appropriately accessible restroom facilities. We don't want to limit them, but they will need to meet the public accessibility requirements from us, but also from the Health Department. This is all taken care of through the permitting process.

Tranel asks if there will be an employee onsite.

- Matt states that there would not be an employee onsite, one of our employees or we would be there to drop off and pick up different goods. They would not be full time on site.

Eric asks about vehicle type that would be going to the site.

- Matt indicates that it would be box trucks or pickup trucks.

Gratton asks if security could be an issue.

- Matt states that surely don't want those barrels rolling off, we are going to button up the entrances and exits of this facility.

Gratton states that we do have a lighting ordinance section and would need to adhere to.

### **Public Testimony**

None

### **Public Testimony Closed**

Gratton states that we need to look at the LESA score, it does have really good soils, but mostly where the building currently are. They are high productivity soils, but have been reuses of the property, but I don't think this will return to highly productive agricultural.

Eric states the eye test can be done here as well; Dr. Wade had been here for a better part of 2 decades and was used as horse pastures and is unlikely to be returned to agricultural productivity.

Gratton states that you could use it to grow your own crops, this does have good soils, I can attest to that.

Eric states that I did talk to Dr. Wade and the Blaum's if they want to relocate here, that it would

require a rezoning to commercial, that is not within their short term plans and they are aware of that and that is why I did a special use and not commercial currently, as that would allow a lot of other uses by right and did not seem appropriate at this time.

Huschitt states to avoid ambiguity, I was considering, along with limited retail sales in the existing office building excluding sales of alcohol, does that seem reasonable.

- Eric asks what they offer for sale at your current location.
- Matt states that we sell apparel, rocks glasses, coffee mugs, gift shop type items.

Huschitt states the selling of retail means selling merchandise.

Gratton states that lighting will need to be followed.

Eric states that adherence to County Code rules and regulations, including Liquor Control by definition prevent them from selling alcohol here on site, with limited retail sales, excluding alcohol. A change in zoning to commercial in the future will allow relocating the facility at some time thus changing what they can and can't sell onsite. I would suggest the adherence to County Code rules and regulations, including Liquor Control as well as the limited retail sales, excluding alcohol.

Mapes asks about the additional requirements like parking and lighting.

- Eric states that is all permit related, anything new must adhere to the requirements of the Zoning Ordinance in place at the time, do they need a remodeling permit for the interior of the barn, maybe not, however, I will have them contact my Code Enforcement Officer to go over any applicable regulations. Remodeling of the office building will require a complete set of plans.

Mapes asks that we have included when they have people coming here and times, I am concerned that this is a simple thing and now it is bigger. I don't disagree with anything that we have talked about, but make sure it is clear.

- Eric states that it is an important discussion, but also keep in mind in a location like this you can reasonably apply conditions for hours of operation, but is it really necessary here if they adhere to the appropriate rules of the Zoning Ordinance, in terms of lighting, parking, access and everything else? I think we want to make it as easy as possible for business owners and operators to succeed and I think the County Board would likely be appreciative of fewer conditions on hours of operation; I don't think it is necessary here, based on what they are trying to accomplish immediately and I think at looking at their website they run a pretty standard operation at the current facility. I think the conditions we have discussed should be sufficient; last thing I want to do is cause them to come back for additional approval; I don't think that is necessary.

Mapes states we just need to be consistent with requests.

- Eric states that you do have some leeway because each case in and of itself must be evaluated on its own merits, while precedence is important what they are trying to accomplish limitations talked about are in concert and in spirit with the intent of what they are trying to accomplish here.

Gratton asks what your hours are at your current location.

- Matt states we are going to be going to our winter hour's weekdays close at 5pm, weekends typically 8 or 9 pm.
- Gratton states I don't think that would be outside of the parameters of the normal.

Gratton states that I see this as a positive, adaptive reuse of a property that probably only would have another use as a horse farm.

Standards for special use – 1- met, 2 - met, 3 – met, 4 – met, 5 – met, existing entrance, 6 -  
Additional Compliance – met

Standards for special use have been met

A motion was made by Huschitt to recommend approval of the special use request as presented to allow for the storage and aging of distilled spirits barrels and some processing of spirits in the barn on a new 6.570 acre tract along with limited retail sales in the existing office building excluding sales of alcohol with the following conditions:

1. Adherence to County Code rules and regulations, including Liquor Control
2. Standards for special use are met

Seconded by Mapes

Roll Call:	Gary Diedrick – Aye	Peter Huschitt – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	

**Reports and Comments:**

Tranel made a motion to adjourn at 9:05 PM. Huschitt seconded. Voice Vote: All Ayes