

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

Call to Order: Mel Gratton called the 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 Tranel to approve the minutes. Seconded by Diedrick. Voice Vote: All Ayes

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

New Business

Steve & Kimberly Weber (8373 Badger Road, East Dubuque IL), owners, have petitioned for a Special Use to allow for existing concrete business and an accessory building for truck storage. Also requested is a Variation in non-agricultural accessory structure square footage per Title 8, Chapter 3, Section 8-3A-4 B2, from the allowed 3,600 sq. ft. to 7,344 sq. ft.; a Variation of 3,744 sq. ft. Property is located in the AG Agricultural District. Commonly known as 8101 Badger Road, East Dubuque, IL 61025.

Staff

- **Comprehensive Plan:** In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. It recognizes existing businesses for the contribution they have made to the local economy and the tax base over the years. Existing business and industry have the greatest likelihood of new job creation. The County is eager to support existing business and industry in their efforts to expand. The County will also work to retain businesses and industries as well as the jobs they provide.
- **Wastewater Treatment:** A septic system would be required if plumbing is added to the building in the future. The special use and variance should not affect any future system. There is a septic tank pumping report for a tank serving the existing shop building. Any existing system should be located to be sure that it is protected during construction.
- **Access Considerations:** This property has 2 existing entrances onto Dunleith Township maintained Badger Road. The sight distance to the south is 500 feet which equates to a 45 mph design speed based on nationally accepted AASHTO

standards. The sight distance to the north is 250 feet which equates to a 25 mph design speed. The posted speed limit on Badger Road is 45 mph. No changes to the access are being proposed.

- Other Considerations: This request is in Dunleith Township on the East side of N. Badger Road and partially contiguous to the City of East Dubuque. There is an existing concrete business on the proposed 5 acre site with the possibility of constructing an additional building that would allow the business owner/applicant to move a number of vehicles currently stored outside under roof. The concrete business has been operating since the 1970s. This request does not seek to rezone the property but bring the concrete business into compliance with the Zoning Ordinance as a rural business compatible with established uses on adjoining property. It is currently considered a legal non-conforming use. The location of the non-agricultural storage building would meet setback requirements as proposed. No building permit has been submitted. Surrounding properties on all sides, save for the parcel(s) within the municipal boundary of East Dubuque, are zoned AG.

LESA: Staff conducted a Land Evaluation Site Assessment to assist the members with their analysis of the property. The Land Evaluation score for this property is 62 with an overall LESA score of 195. Contributing factors to this score include a small parcel size (0 pts) and a steep sloping property (0 pts). The property is largely surrounded by agricultural land (25 pts) and relatively close to community services from East Dubuque (6 pts each for water and sewer).

Steve Weber, owner

- I have Weber Concrete and needing a building to store our equipment and trucks, we have been purchasing newer equipment and want to get them inside out of the weather and cleaning up the shop area at the same time. The shed is an L-shape 110 and 104 feet on long sides. Setback about 22 feet from north property line..

Eric Tison asks about utilities in the building. A building permit will be required prior to construction.

- Steve Weber indicates they will have electrical in building, but no plumbing or mechanical. Definitely will get permit.

Gratton asks about how much equipment will get into the building.

- Steve Weber indicates about 2/3 of the equipment.

Diedrick asks if the building will be on gravel or a pad.

- Steve Weber indicates it will be on a concrete pad.

Eric Tison asks about the entrance and exits for the property and views from accesses can be limited.

- Steve Weber indicates that they normally use the south entrance to enter; the north entrance is secondary for maybe smaller vehicles to come in. We have been there since 1973 and have not changed.

Gratton states that access does have limited site distance with the posted speed limit. Try and utilize the south entrance more than the north entrance.

Eric Tison received a report from Sheriff's Department about accidents on Badger Road and it appears that of the dozen accidents since March 2013, none have been directly in front of this business. One did involve a death in 2015.

This is a special use request and a variance on the size of the structure.

Public Testimony

None

Public Testimony Closed

Gratton states that this has been a business in a legal non-conforming way prior to zoning in the county. It is permitted as is. Is this an appropriate place, conditions, and location for this business.

Steve is an immediate neighbor to this, there is a house to the south, phone company building across Badger Road. No neighbors called on this.

Diedrick states that this is a favorable place for this.

Eric Tison states from a planning perspective that a concrete business in this location in an area, may not be ideal, however this is a well-established, well-known solid business, has been around for a while, Steve's efforts to bring this into compliance given the circumstances is probably the best case scenario. I would not encourage rezoning, it would create more difficulties and problems than a special use.

Gratton states that we understand what Eric is stating, this would be different if it was a bare piece of property and wanting to start this business now. This business can continue as is, we are trying to clean up the property and help petitioner and neighbors.

Members agree with comments.

Gratton asks about traffic and number of employees.

- Steve Weber indicates that we employ about 20-25 people. About half of the people come to the shop/warehouse and the other half go directly to the job site.

Gratton asks if any chance that you will outgrow this property, I know you have additional land adjacent to this.

- Steve Weber states that I think this will do me, you can never build a building too big, but it will serve the purpose of the newer equipment under roof.

Standards for special use were reviewed. – 1- No issues, other than using south entrance instead of north entrance, 2- no concern, 3 – no concern, 4 – OK, 5 – using south entrance for safety, 6 – met

Eric Tison suggests if owner uses signage within the property to direct to use the south entrance, if people that are not familiar with the site conditions.

- Steve Weber indicates that I bought the business about 3 years ago and trying to clean up the place and the nearest building toward Badger Road will be torn down, it is in rough shape. My plan is to put a chain link fence parallel with Badger Road, so the only entrance will be that south entrance.

Eric Tison states remember request from Health Department regarding septic.

Gratton states that you may have a very compacted area for septic and protect that.

- Steve Weber indicates he is not opposed to bringing that up to code.

A motion was made by Diedrick to recommend approval of the special use request as requested

stating the following:

1. Ingress/egress to be south entrance
2. Protect existing septic location on property from construction
3. Standards for special use were reviewed and met

Seconded by Winter

Roll Call: Gary Diedrick – Aye Peter Huschitt - Aye
Laura Winter – Aye Mel Gratton – Aye
Nick Tranel – Aye

Standards for variation were reviewed. – 1- Improvement to the property and convenience of the property owner, inconveniences of only certain locations available on site, 2- Scope of business and number of vehicles is unique, size of property is larger, 3 – utilize property to the highest and best use, 4 – inconclusive, 5 – no concern, 6 – ok, positive location for building, 7 – with the scope of the business this is a reasonable request

Public Testimony

None

Public Testimony Closed

A motion was made by Huschitt to approve the variance from the allowed 3,600 square feet to 7,344 square foot building stating the following:

1. Standards for variance were reviewed and met, with inconclusive for D.

Seconded by Winter

Roll Call: Laura Winter – Aye Mel Gratton – Aye
Nick Tranel – Aye Gary Diedrick – Aye
Peter Huschitt - Aye

Sasha N Armstrong and Michael W Armstrong (10198 S Crazy Hollow Road, Hanover IL), owners, have petitioned for a Special Use to allow for a commercial dog kennel. Also requested is a variation in the use standards for Kennel, Commercial per Title 8, Chapter 5, Section 8-5B-49 A, from the required 1,000 feet to a dwelling other than that of the lessee of owner to 469.6 feet; a variation of 530.4 feet. Property is located in the AG Agricultural District. Commonly known as 10198 S Crazy Hollow Road, Hanover, IL 61041.

Staff

- Comprehensive Plan: In the Comprehensive Plan it is stated that the County is strongly supportive of commercial and industrial growth. It recognizes existing businesses for the contribution they have made to the local economy and the tax base over the years. Existing business and industry have the greatest likelihood of new job creation. The County is eager to support existing business and industry in their efforts to expand. The County will also work to retain businesses and industries as well as the jobs they provide.
- Wastewater Treatment: A new septic system was installed in October 2014 on this property to serve a garage with 1 bathroom. There is no record of the septic system serving the house. Additional upgrades may be required to accommodate the kennel.

- Access Considerations: This parcel has an existing entrance onto Hanover Township maintained Crazy Hollow Road with adequate sight distance. No changes to the access are being proposed.
- Other Considerations: This request is in Hanover Township. This application was submitted to correct a violation as no Special Use was approved at this location. No permits were submitted for remodeling of the structure(s) on site. A site visit to the property revealed a fully enclosed and secured dog run area, with a gate exiting onto Crazy Hollow Road. The neighboring residence on the property to the south is visible through the tree line and detailed in the attached survey exhibit provided by the applicant. Staff was contacted by the IL Department of Natural Resources and advised that no record of an endangered species consultation is on file. However, because of the established use on the property, no additional action is required by the County or applicant. 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 78, with an overall LESA score of 222. Contributing factors to the score include a small parcel (0 pts) and the percent of AG land adjacent (25 pts). Additionally, the property lies more than 1.5 miles from Hanover so max points were assigned relating to the availability of services including sewer and water (10-20 pts depending on category).

Huschitt asked if any neighbors inquired about the request.

- Eric Tison indicated only the IDNR inquired.

Sasha Armstrong, owner

- Started the business in 2012. Requesting to be in compliance with the business, I do have a couple staff members employed. I am actually surprised that my neighbor is not here, I talked with him yesterday. I do know that he does have health issues. He always comments that his own dogs bark more than the dogs I have at the kennel. This is a small business, quality controlled. I commute back and forth from Chicago 3 to 4 times a week. No issues with our neighbor. The dogs are allowed only within the fence area. They are kenneled overnight and indoors. The suite is larger and spacious for the dogs. I have one local client which is in the Galena Territory.

Diedrick asks what your capacity is. Are you at capacity on a regular basis?

- Sasha Armstrong indicates that I have 16 suites. On average there are about 8-10 dogs here, unless it is the holidays, which is my busy times, I had a 50 dog waiting list. We chose to put in a smaller building and keep it quality controlled.

Gratton asks if only boarding or do you do training as well.

- Sasha Armstrong states that I do take on 2 board and train dogs also. I also do in home training and travel all over the country as well as private consulting.

Eric Tison indicates Sasha did provide her license from the Illinois Department of Ag for her kennel license. The Health Department and Animal Control will be made aware of these proceedings as well.

Diedrick asks what prompted this request; no building permit will be required, correct?

- Eric Tison indicates that we look at the licensing list for the Illinois Depart of Ag for kennels and other resources, this came up on the search and the location within this garage required remodeling and plumbing work, which would indeed require a building permit and possibly a septic permit.

Public Testimony

None

Public Testimony Closed

Gratton states that other kennels that we have seen come forward had more testimony and concern from neighbors. The location seems good for this.

Diedrick states the neighbor to the south on a hillside with a substantial grove of trees between this property.

Winter asks about traffic generated here and how many do you employ

- Sasha Armstrong indicates that I have 2 staff that come here on an as needed basis and no drop offs except the one client in the Galena Territory, I do the transporting. Someone is always onsite 24/7.

Standards for special use were reviewed. – 1- Ok, 2- no concern, 3 – no concern, 4 – ok, 5 – no concern, 6 – ok

Huschitt asks if the business plan changes and clients bring dogs to the property, how do you enter the property now. Is there space for people to turn around or will they have to back out onto the roadway.

- Sasha Armstrong indicates the access is in between the house and the dog run area. They would have to back out of the driveway. My business model will not change to having people coming to the property.

Gratton asks about your maximum number as if you increase you may need to come back if you increase more than you indicate now.

- Sasha Armstrong indicates she would move to another location before I would attempt to put another buildout on the property. We may be able to increase within this building, but might be good to have that indicated. Two small dogs could go into the same suite if from the same house.
- Eric Tison indicates that if she has 16 suites that may house 16 large dogs, or if she can house large, medium and small dogs she may be able to get more than 16 dogs. Short of assigning a number, adhere to applicable rules and regulations from Animal Control and other state agencies, allowing her the flexibility if she so chooses in a humane and appropriate manner to house possibly say 32 dogs. I think that we need to rely on the business operator to determine. I think if a dog comes back not in good care, I would likely be notified by Animal Control and would give me an opportunity to investigate and revoke the special use. I don't think this group has the knowledge to set that number accurately.
- Gratton states that I wanted the petitioner to set that number, I am hearing that the facilities will accommodate so many animals. If expanding substantially you would need to come back here.

Huschitt asks if she wanted to increase the capacity at this location, what she would need to do.

- Eric Tison indicates that there are 16 suites for animals; if an addition to the suites is asked for say 8 suites those would need to be applied for permits and relay information to us and that would be fine. She can't do something that is outside of what this body and county board would grant.

Gratton states that if this property is sold and they want to do the same thing, they may not

