Jo Daviess County Planning Commission/Zoning Board of Appeals
Minutes for Meeting
At the Courthouse-7:00 PM
July 24, 2019

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 Tranel to approve the minutes of May 22, 2019. Seconded by Winter. Voice Vote: All Ayes

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

New Business

Gerald & Brenda Leppert (222 Peace Pipe Lane, East Dubuque, IL 61025) owner, requesting the following: A variance from the required front yard setback, as established in Title 8, Chapter 3, Article H, Section 8-3H-7 A.2a; Single and Two Family Dwellings. Requesting to vary from the platted thirty (30) feet at the front lot line to two feet six inches (2' 6"), a twenty seven point five (27.5) foot variation. Property is located in the RP Planned Residential District. Commonly known as: 222 Peace Pipe Lane, East Dubuque, IL 61025

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: This home is served by an existing septic system installed in 1976 and located behind the house to the north. The type of system no longer meets code requirements so no upgrades or repairs would be allowed. This variance request should have no effect on the septic system.
- Access Considerations: The property has an existing entrance onto Dunleith Township maintained Peace Pipe Lane.
- Other Considerations: The property is located in Dunleith Township in the Pioneer Acres subdivision on Peace Pipe Lane just west of Badger Road. The lot measures 80x110 feet.

- The applicant is making the request to allow for placement of a carport in front of the existing residence. A site plan was provided showing the proposed size and location of the carport. The proposed structure does not have a foundation, but will have walls on two sides, i.e. east and west. The applicant provided an exhibit showing the platted building setback line. Confirmation of the distance between the proposed location for the structure and the property line may be necessary as the fence line between the properties on the east side of the subject parcel is not indicative of the parcel line. This can be accomplished in the field upon issuance of a permit; subject to action on this request.
- All the surrounding properties are zoned RP Planned Residential.
- The following variations have been reviewed and approved by the Zoning Board within the Pioneer Acres subdivision:
  - October, 2011 116 Tomahawk Lane
    4' variance in side yard setback for an addition (to correct violation)
  - August, 2006 73 Tomahawk Lane
    9' variance in side yard setback for accessory structure, garage (to correct violation)
  - August, 2004 7015 Badger Road
    31' variance in front yard setback for principal use structure
  - June, 2003 30 Remington Park Circle
    3' variance in side yard setback for accessory structure, garage
  - February, 1997 106 Smoke Signal
    Variance equal to the setback dimension of the existing home (at the time was closer to the street than any structure on neighboring property)
  - January, 2019 215 Peace Pipe
    A 29.3' front yard variance, together with a 6.9' side yard variance to allow for placement of a detached garage

Diedrick asks about the existing porch and ramp, they have a 30 foot front setback.

- Eric indicates they have a 30 foot front setback. The carport will abut right up to the porch and ramp. Ramp will remain.

<u>Brenda Leppert, owner</u>

- We would like a variance to put a carport up. Basically it is to cover the ramp for my health, well-being and safety, because with the snow I just can't get out of the house without it. We do not have anywhere else to put it. Our lot is 80x110 and our trailer is 14x70 so we can't even get into the back yard, which has septic and drainfield.

Diedrick asks if the tree to the west of the carport will remain.

- Brenda Leppert states that the tree will remain, but will trim back all the branches that will hang over the carport.

Gratton asks the size of the lot.

- Brenda Leppert states 80x110.

Public Testimony
None
Public Testimony Closed

Gratton states this is somewhat typical request in Pioneer Acres because of the small size of the lots. This is a pretty severe request for the amount of setback they are requesting. Nothing was

heard from any neighbors. It looks like there will be some clearance from neighbors as they exit their driveways as far as visibility, but will be diminished.

- Eric states that there are some bushes in the front of property, but are relatively low, vehicles exiting the driveway should not have any difficulty. Driveways on either side should be far enough apart not to cause issues.
- Steve Keeffer states that I agree.

Mapes states that there are other ones in that area, but this is closer. Let's review the standards.

Standards for variance reviewed 1 –met; 2 – met; 3 – true; 4 – true; 5 – ok; 6 – met; 7- true

A motion was made by Mapes to approve the variance request as presented from the front property line of 30 feet to 2 feet 6 inches for a carport stating the following:

1. Standards for variance are met

Seconded by Tranel

Roll Call:	Gary Diedrick – Aye	Laura Winter – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	

Connor Krippendorf (4365 IL Route 78 South, Stockton, IL) owner, has petitioned for a Variance from the proportional value standard as established in Title 8, Chapter 5, Article B, Section 8-5B-48; Lot Configuration. Requesting a variance from the required value of one point four (1.4) to one point five three (1.53); a variation in value of zero point one three (0.13). Property is located in the AG Agricultural District. Commonly known as 4365 IL Route 78 South, Stockton, IL

Staff

- Comprehensive Plan: The Comprehensive Plan does not address Variances, but does recognize the importance of agriculture as one of greatest assets of the county and farmer. Agriculture relies on the preservation and protection of farmland for a successful future.
- Wastewater Treatment: There is an existing septic system and well serving this property. The septic field is located west of the house. The variance request should not have any effect on these systems.
- Access Considerations: The property has an existing entrance onto IDOT maintained Illinois Route 78 with adequate sight distance. No objection from IDOT.
- Other Considerations: This property is located on the east side of IL Route 78, just south of Schuller Road. The current 5 acre parcel was created in 2013 attempting to meet ordinance compliance as a split of an existing agricultural residence, although no information was provided to the department at the time. The requirements for an existing AG residence split include age of home, road frontage and lot size.
- The applicant purchased the property in 2018 and has applied for a building permit to place an accessory structure on the property.
- During review of the permit, staff determined that the creation of the lot in 2013 resulted in an illegal, non-conforming parcel as it relates to lot configuration requirements set forth in Section 8-5B-48. As a reminder, lot configuration is a ratio comparing the size of the parcel and the length of the perimeter to a

rectangle; the ratio shall not exceed a value of 1.4. All newly created parcels are required to meet this standard.

- This is an attempt by the current owner to bring the property into compliance with the Zoning Ordinance.
- Surrounding parcels to the east and west are zoned AG.

Connor Krippendorf, owner

- I submitted for a building permit to put a shed on the property and it met all of the requirements except the proportional value. The property was split in 2013 and I bought in 2018.

Public Testimony
None
Public Testimony Closed

Standards for variance reviewed 1 – met; 2 – ok; 3 – ok; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Winter to approve the variance request as presented for lot configuration proportional value variance from 1.4 to 1.53 stating the following:

1. Standards for variance are met

Seconded by Diedrick

Roll Call:	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	Gary Diedrick – Aye
	Laura Winter – Aye	

Lori & Roger Portner (12550 W Norris Ln, Galena, IL) owners have petitioned for a Special Use Permit to allow for a retail greenhouse on approximately 5.5 acres of the parent parcel. Also requested is a Variance from the required nonagricultural accessory square footage allowance of 3,600 sq ft as established in Section 8-3A-4 B 2, Intensity of Use, to 10,348 sq ft, a variance of 6,748 sq ft, to allow for multiple existing accessory structures. Further requested is a Variance from the required side yard setback as established in Title 8, Chapter 3, Article A, Section 8-3A-6 A2 Minimum Side Yards, of twenty (20) feet to eleven (11) feet; a nine (9) foot variation. Common Address: 12550 W Norris Lane, Galena, IL

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. Additionally, the Comp Plan would indicate this area of use as containing approximately 62% of soils designated as prime farmland, approximately 12% as not prime farmland, and 26% as farmland of statewide importance. The property is located well within the 1.5 mile planning radius of Galena adjacent to, but just outside the Contiguous Growth Area. The City's Comp Plan identifies the property as Pasture/Open Area, Agriculture and Farmstead. The City does not propose

certain land uses for that area, but does propose Commercial and Office land uses adjacent to that area along the Highway 20 corridor. The proposed ag-related retail and production operations are compatible with the City's Comprehensive Plan for that area, allowing on-site Agricultural Retail land use by right in the AG districts.

- Wastewater Treatment: A permit was issued in November 2000 for an upgrade to an existing septic system serving a 3 bedroom house on this property. Any additional upgrades to this system or other structures with plumbing would require a soil investigation and installation of a septic system. Yearly water sampling is recommended for any facility served by a well that is accessed by the public.
- Access Considerations: The property has an existing entrance onto Rawlins Township maintained Norris Lane. There is adequate sight distance to the east and for west bound traffic turning into the facility. The sight distance to the west is 250' which equates to a design speed of between 20 and 25 mph. Traffic coming from this direction should be limited due to the fact that Norris Lane is a dead end road.
- Other Considerations: This property is located on the west side of Norris Lane, south of US Highway 20. The property was acquired by the owner in 1995 and began as a continuation of long standing produce farm.
- Per the application, the greenhouse began operating in 2000, after adoption of the zoning ordinance. Since that time, at least 5 growing hoop houses have been added to the property, without permits, as shown on the exhibit. There is a growing area on the west side of the designated area of use.
- A greenhouse, nursery is defined as: An establishment where flowers, trees, seeds, plants, plant stock and other products that are commonly used for landscaping and gardening are grown and sold (8-7-2).
- There is no record of a Special Use for the Greenhouse on file. A greenhouse/nursery, as defined, is allowable in the AG district subject to Special Use approval and the follow standards (8-5B-14):
    - A. Within the agricultural district, a minimum of sixty percent (60%) of the plant materials and garden crops that are for sale shall be grown on the property.
    - B. Greenhouses and nurseries shall not be located within one hundred fifty feet (150') of an existing residentially zoned district boundary line, or residential dwelling.
    - C. Within the conservation district, retail sales are not permitted. (Ord. 2009-3, 5-12-2009)
- The retail business operation is seasonal from approximately mid-April through mid-October. This is a cooperative attempt of the property owner to bring the area of use into compliance.
- All surrounding parcels are zoned AG.
- LESA: The Land Evaluation score on this property is 74.61 (well above the County average), with an overall LESA score of 182.61. Some of the Site Assessment factors contributing to the overall score were the percent of AG land adjacent (max pts, 25), the commitment to AG adjacent (10/25 pts) and the size of the parent parcel (5/15 pts). Additionally contributing factors were distance from community services (12/15 pts), availability of water/sewer utilities (both 8/10 pts) and this property is within the 1.5 mile plan radius of Galena (0/20 pts).

Joe Nack, lawyer representing owner

- Lori has owned the property for over 20 years; she and her husband started it over 20 years ago and has morphed into what it is today, it has been in continuous existence on Norris Lane. It hasn't moved or expanded. The buildings and the entity have expanded over time. Since then the hospital and Prairie Ridge has come, they all use the same entrance off Highway 20 onto Norris Lane. The buildings that are in place, no change in the last 7 years, no intention to expand or change, only maintain them in current condition or replace in current position. This is a larger parcel of almost 30 acres, the 5 acres is part of that. The standards for special use the first is not applicable as it does not do any of that. The use is not injurious to uses on other properties, no hazard material, and no drainage or storage issue. The establishment will not change; it is all Ag and unchanged except for Hospital and Prairie Ridge. Adequate measures have taken to provide ingress and egress, minimize traffic congestion. We believe there is adequate off street parking, occasionally on busy times that parking appears on the road. The busy time is May at that time she has 5 employees and her working, after May it is usually her and one employee and business slows down. The operation goes from Mid-April to late fall October. The variances and the standards for the existing building setbacks are existing structures, nothing new is proposed. The property has been used for the continual form that it is in, has always been a produce stand and garden area. Variance standards - hardship is if not placed there, it would put her out of business and this is her livelihood. This is unique to property and has been a continuous operation, no structure expansion in last 7 years. The variance is to maintain and make the same amount from the property. The variance was created by the property owner; they put the structure up and created the business. They would not affect others property, nothing has changed. No harm or impair property values to adjoining landowners. This would be the minimum to run the business. She is maxed on her 5.5 acres with the use. She is on site most every day the business is open. Lori states the hours are right now 10-5 Monday-Saturday; May is everyday 9-5. No lighting issues because not open after dark. Based on the criteria we feel the variance and special use would be appropriate for this piece of property. The city has no objection, public to speak.
- Lori Portner says that it has been 23 years and we did just start as a produce farm and my late husband went into the Zoning Office to ask for building at that time and was told go ahead, it was a temporary structure, and we thought we were good from there on to do anything.

Public Testimony

Jeanie Norman, 12567 W Norris Lane, adjoining landowner

- Thank you for allowing us to speak in favor of Murphy's Garden. We live directly across the street from the request. They have been good neighbors; we have not had a traffic issue, no noise issue, no issue of any kind. When we pull out of our driveway we look right at their greenhouse building. This is something that has gone on for a number of years. They bring value to the community, it does not compare to larger stores. They grow right on the property. The traffic has not been an issue. The visitors are from out of state from Wisconsin and Iowa and bringing money into our county. Talks about being equal but fair. They have been great neighbors.

Susan Droessler, 6841 N Menominee Road, East Dubuque

- I am manager of the Galena Farmers Market. Thank you for listening to my support for Murphy's Garden. I am grateful to have a local small business to support me and help me sustain my market business, and save my personal garden. Local businesses direct business to each other. I wish to keep business in Jo Daviess County. They are a seasonal

business. Thank you in advance for working with Murphy's Garden, not only for good citizens but for vital small businesses in Jo Daviess County. This not only benefits Murphy's Garden, but all of Jo Daviess County. It encourages people to start business.

Public Testimony Closed

Gratton states that I don't believe any of us or the office is here to hamper business in Jo Daviess County, the purpose here is to create and adhere to uniform standards that everyone lives by in the county. Purpose is to bring the business into compliance and so it can operate in the legal status and not illegal status.

Joe Nack submits the signatures of people here for the request.

Mapes states that I commend the owner for coming forward to get into compliance.

Diedrick asks about expansion in the future

- Eric indicated that the petitioner and Mr. Nack indicated no expansion is intended here.

Diedrick asks if that were to change they would have to come back to us in the future.

- Eric indicates yes they would for potential variances within the 5.5 acres. It would be authorized subject to approval, an amendment would be required if they expanded beyond the 5.5 acres currently requested.

Gratton asks about the 10% administrative variance the office can grant.

- Eric indicates we are beyond that already, but we do have that in the Zoning Ordinance.

Standards for special use reviewed 1 –ok; 2 – ok; 3 – yes; 4 – yes; 5 – yes; 6 – yes

Gratton states that we make rulings not knowing how businesses might be operated and what might become of it, in this particular instance, the benefit is that we have a business that has operated successfully, but an asset to the community, we still have to adhere to the ordinance, but we know what the outcome is.

A motion was made by Diedrick to recommend approval of the special use request as presented for a retail greenhouse on 5.5 acres stating the following:

1. Standards for Special Use are met

Seconded by Tranel

Roll Call:	Nick Tranel – Aye	Gary Diedrick – Aye
	Laura Winter – Aye	Ron Mapes – Aye
	Mel Gratton – Aye	

The accessory square foot variation is a large increase, and incremental over the years that these structures have been built.

Eric states that if anything is going up from the ground call our office to see if permits are required.

Standards for variance reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Mapes to approve the variance request as presented from the allowed

3,600 square feet to 10,348 square feet; a 6,748 square foot variation for existing accessory structures stating the following:

1. Standards for variance are met

Seconded by Winter

Roll Call: Laura Winter – Aye
Mel Gratton – Aye
Gary Diedrick – Aye
Ron Mapes – Aye
Nick Tranel – Aye

Setback variance

Standards for variance reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Tranel to approve the variance request as presented from the required side yard setback of twenty (20) feet to eleven (11) feet; a nine (9) foot variation for the existing accessory structures stating the following:

1. Standards for variance are met

Seconded by Mapes

Roll Call: Mel Gratton – Aye
Gary Diedrick – Aye
Ron Mapes – Aye
Nick Tranel – Aye
Laura Winter – Aye

Michael and Jonna Dittmar (117 W Main St, Elizabeth, IL 61028) owners, have requested a Special Use Permit to allow for a residence on a lot less than forty (40) acres in the AG Agriculture District. Common Location: Address to be determined on Grebner Road, north of Hoffman Rd, Elizabeth, IL 61028

Staff

- Comprehensive Plan: The Comprehensive Plan would indicate this parcel to be in a location with 63% not prime farmland and 37% prime farmland if drained and protected from high water. This is located in a designated Agricultural Area on the Land Use Plan. This request is more than 3 miles from the Village of Elizabeth.
- Waste Treatment: A soil investigation was completed in September 2018 in the area of the proposed residence. An area was identified for the installation of a 2 bedroom conventional septic system with little room for expansion. The Illinois Private Sewage Disposal code does not allow a septic system for new construction to be installed in the floodplain.
- Access Considerations: There is an existing entrance onto Woodbine Township maintained Grebner Road. The sight distance to the north is 250 feet which equates to a design speed of between 20 and 25 mph. Sight distance to the south is 150 feet which equates to a design speed of less than 20 mph. Sight distance in both directions could be improved if the vegetation was cut and trees were trimmed and or removed. There is an existing, unrestricted easement allowing access to the property from S Grebner Road.
- Other Considerations: This approximately 17 acre parcel on the west side of Grebner Road, was part of a larger farm parcel until September, 2005. At the

time, in accordance with the requirements of the Zoning Ordinance, the parcel was granted an AG exemption for the purpose of building a single family residence for use by parents, children or grandchildren of the farm operator; i.e. immediate family. This request is being brought forth because the purpose of the proposed residence is for use with Guest Accommodations licensing procedures and not in compliance with the AG exemption. The location of the proposed residence is on a portion of the parcel north of the creek and elevated just out of the floodplain, as shown on the exhibit. All surrounding parcels are zoned AG.

- LESA: The Land Evaluation score on this property is 30 (below the County average), with an overall LESA score of 175. Some of the Site Assessment factors contributing to the overall score were the percent of land in AG (max pts, 15), percent of AG land adjacent (max pts, 25), size of the parent parcel (0/15 pts) and the average slope of the site (0/10 pts). Additionally contributing factors were distance from community services (max pts, 15), availability of water/sewer utilities (both max pts, 10) and this parcel falls outside the 1.5 mile plan radius of Elizabeth (max pts, 20).

<u>Mike Dittmar , owner</u>

- I would like to build a house on our farm. It is a tree house, we are agri-tourism and would enhance our pumpkin patch and apple orchard. This is for Guest Accommodations use. It is not really a tree house, but is like a 4 seasons porch on stilts. The deck will be built around a tree and will be 16 feet high.

Diedrick asks if this would be a year round

- Mike Dittmar indicates yes.

Tranel asks about the utilities to the tree house.

- Mike Dittmar indicates it will have electricity, water, and septic.

Gratton asks the area is close to Mill Creek

- Mike Dittmar states that the picture is not accurate, but there is no way the flood would hit where the house will be, if it does we are all in trouble, it is over 30 feet above the bank. 2011 was the highest we have seen it and it was not even close to this.

Public Testimony
None
Public Testimony Closed

Standards for variance reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Mapes to recommend approval of the special use request for a single family home as presented stating the following:

1. Standards for special use are met
2. Cut brush and vegetation away from entrance point at easement location to improve visibility

Seconded by Diedrick

Discussion about tree vegetation be trimmed away from entrance

Eric indicates that the entrance point is an easement and would need to check with the owner to make sure no issues with cutting back vegetation and will help with the Guest Accommodations

as well.

- Steve Keeffer states that the 150 feet correlates to 15 MPH speed limit and the 225 feet correlates to 20 MPH speeds. A car going faster than 15 MPH will not be able to stop in time is someone pulls out. Northbound would be worse for site distance. If clear it would help. It is township who mows grass, may need to mow more often to keep vegetation down.

Roll Call:	Gary Diedrick – Aye	Laura Winter – Aye
	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	

D.P. Properties, L.L.C., also known as DP Properties, LLC (Tim Petitgout, 101 W. Kroll Road, East Dubuque, IL 61025; Laura Liebfried, 3211 Honeysuckle Drive, Dubuque, IA 52001; Ted Petitgout, 125 Lincoln Drive, East Dubuque, IL 61025; and Don and Karen Petitgout, 980 West Gill Road, East Dubuque, IL 61025) owners, are requesting to amend a Special Use Permit (17-08) to expand an RV Park/Campground. Property is zoned C Commercial. Common Address: 818 West Gill Road, East Dubuque, IL 61025

Staff

- Comprehensive Plan: This property was rezoned to Commercial in 2017. The parcel is adjacent to the City of East Dubuque. The County's Comprehensive Plan would encourage growth and development adjacent to a community or at least a part of the City or Villages desirable growth area. The Comprehensive Plan recognizes the need to stimulate and diversify the economy. The County is strongly supportive of commercial growth, places a high value on new, well-planned commercial growth and will encourage new commercial growth in the areas which have the best capacity for supporting same.
- Waste Treatment: This property is served by the East Dubuque central sewer and water system.
- Access Considerations: The property is accessed by both public and private roadways. Presumably the private roadways are either owned by the petitioner or an easement will be required for access. Maintenance of the private roadway will also need to be considered. There are no sight distance issues and the roadway capacity should be adequate since they were used when the riverboat facility was operating.
- Other Considerations: The parcel is located in Dunleith Township and immediately adjacent to Frentress Lake Marina. The large existing building on site housed the entrance to the Silver Eagle Casino from 1991 to 1998. Later it was converted to the Silver Eagle Event Center, which closed in 2014. The parcel is approximately 19.63 acres. In an effort to redevelop the site, the property was rezoned to Commercial in 2017. At the same time, the applicant was granted a Special Use (17-08) allowing for the development of an RV park/campground on a portion of the property. The Commercial zoning allowed continued operation of the restaurant and marine showroom within the existing building. Subsequent remodeling and site improvements have added showers to the building as well as a pool and bathhouse per the original site plan and in accordance with requirements of the ordinance and the Illinois Department of Public Health (IDPH), the state agency that oversees and licenses campgrounds. Permits from the County were applied for and approved. While IDPH allows for a 10% addition to the RV Park per their rules, that still leaves short the complete

area of development depicted on the revised site plan submitted by the applicant. Staff advised bringing forth the revised site plan and amended special use request for the development of the remaining portion of the entire parcel instead of the approximately 10 additional RV spaces. This will allow for phased in expansions of the rest of the property to occur as the applicant meets IDPH requirements. This request is considered a major change to the original site plan due to the volume of spaces that are being added. The site plan from the previously approved Special Use (#17-08) halted improvements at the existing fence line. I have included a copy of the minutes from the previous public hearing in April, 2017 for reference.

- Development of RV Parks will be subject to standard 8-5B-28 H of the Zoning Ordinance:
    - 1. All parking areas and roadways shall be constructed and paved with a hard surface bituminous or concrete material or at least eight inches (8") of crushed aggregate material.
    - 2. All camps shall be provided with general outdoor lighting with a minimum of three-tenths (0.3) foot-candle of general illumination.
    - 3. At least ten percent (10%) of the park area shall be yard area or open space. All yard areas and other open spaces not otherwise paved or occupied by structures shall be sodded and/or landscaped and shall be maintained. (Ord. 2009-3, 5-12-2009)
- So long as there is adherence to the standards listed above and compliance with the revised site plan as submitted, it will not be necessary for the applicant to return.
- This property is virtually surrounded by the City of East Dubuque; the City received a copy of the application.
- LESA – The property was rezoned to Commercial in 2017 as part of the original Special Use. At that time, the Land Evaluation score on this property was 67, which is slightly above the County average of 62.2 with an overall LESA score of 105.

<u>Tim Petitgout, owner</u>

- I would like to expand the campground; I have requests for larger sites and out grew it already.

Mapes asks about availability for rent or permanent. Time line on project

- Tim Petitgout states they are the same except they are little larger sites. I would like to have for fall or early spring. I would put like 30 sites in now and 6 months later add more, until we were at a maximum.

Eric asks about the property and the flood area

- Tim Petitgout states that the area to the right of the area to the north is 1 foot above, we have an area to the left of the blue line is swale area for dredging material and has a dike 1 foot above the flood record. Corps of Engineers, Fish and Wildlife, and EPA. We had 90 days of flooding this spring and nothing was flooded.

Gratton states that you intend to use the whole property

- Tim Petitgout states yes in the future I would like to use the whole property. Not much standing water.

Any additional agency permits will need to be adhered to as indicated in original special use and in the standards for special use permit.

Public Testimony
None
Public Testimony Closed

Standards for special use reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok

A motion was made by Winter to recommend approval of the amended Special Use Permit request stating the following:

1. Standards for special use are met

Seconded by Mapes

Roll Call:	Ron Mapes – Aye	Mel Gratton – Aye
	Nick Tranel – Aye	Gary Diedrick – Aye
	Laura Winter – Aye	

Ron Mapes will abstain from the next request.

Thomas Heidenreich (10488 E Binkley Rd, Stockton, IL), owner and the Village of Stockton (115 W Front St, Stockton, IL), owner/petitioner have petitioned for a Special Use Permit to allow for the continuing operation and expansion of a Wastewater Treatment Facility; also requested is a Variance from required side yard setback of 20' to 16.5', a variance of 3.5', as established in Section 8-3A-6 A 2, Minimum Side Yards, to allow for placement of additional equipment at the existing Wastewater Treatment Facility. Common Address: 10488 E Binkley Rd, Stockton, IL

Staff

- Comprehensive Plan: The Comprehensive Plan identifies the Village of Stockton as one of several communities with municipal wastewater treatment facilities. With the facility located on the north side of Binkley Road it is just outside the Village's Contiguous Growth Area. The property is in a location designated as being an Agricultural Preservation Area 1 and well within the 1.5 mile planning radius of the Village. The soils on the properties are approximately 78% prime farmland, 17% farmland of statewide importance and 5% not prime farmland. Additionally, the Comp Plan states that development should ensure promotion of vital and vibrant cities and towns by encouraging the development of infrastructure improvements designed to meet community goals.
- Wastewater Treatment: Public water supply will be on site. Additionally, any wastewater generated on site would be treated by the facility.
- Access Considerations: The treatment plant has access onto Stockton Township maintained Binkley Road. There is adequate sight distance along the entire frontage. Proposed ROW for the US 20 Bypass is adjoining to this project; IDOT has no roadway construction plans for this area.
- Other Considerations: Records show that the original parcel for the existing Wastewater Treatment Facility (WWTF) was acquired by the Village of Stockton in September, 1956 making the use nonconforming and limiting the opportunity for expansion; the Zoning Ordinance does not allow for additional structures to be built unless the property is brought into compliance. With the necessity to acquire additional land to accommodate plant expansion, the consolidation of the entire acreage with a Special Use Permit will bring the

WWTF into compliance with the zoning ordinance. The Village operates the current WWTF on just 4 acres on Binkley Road, but the lot is not contiguous on any parcel line to the Village of Stockton. Per the application, the Village will be able to increase capacity of the WWTF to process incoming flow and provide holding lagoons for times when plant capacity is exceeded. The lagoons will be located on the acquired acreage north of the existing plant and creek, between a Nicor Gas pipeline and the proposed US 20 right-of-way. This northern acreage will be accessible by an easement from S Park Road.

- Major utilities shall conform to the following requirements:
    - A. The facility shall not be located within two hundred feet (200') of a boundary line of an R-1 or R-2 District or residential dwelling.
    - B. No building or tower that is part of a wind power generation facility shall encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
    - C. Lighting shall be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA all lighting shall be red, and all lighting shall be shielded so that no glare extends substantially beyond the boundaries of a facility.
    - D. No facility shall encroach onto an existing septic field.
    - E. The height of the facility shall not exceed four hundred fifty feet (450'), except if the facility is located within one and one-half ($1^1/_2$) miles of the corporate limits of a municipality with a population of twenty five thousand (25,000) or more, the height of the facility shall not exceed two hundred feet (200').
    - F. Documentation, approved by the Zoning Administrator, shall be provided which verifies that the site and design are acceptable to the FAA
- As to the Variance request for placement of the digester, per the application, the proposed location is consistent with maintaining a neat and orderly site.
- All surrounding parcels are zoned AG.
- LESA: The Land Evaluation score on this property is 80.70 (well above the County average), with an overall LESA score of 202.7. Some of the Site Assessment factors contributing to the overall score were the percent of AG land adjacent (max pts, 25), the commitment to AG adjacent (max pts, 25) and the average slope of the site (max pts, 10). Additionally contributing factors were distance from community services (0/15 pts), availability of water/sewer utilities (both 0/10 pts, as onsite water service will be provided) and while within the 1.5 mile plan radius of Stockton there is no municipal Comp Plan (10/20 pts).

<u>Steve Schmidt , MSA Professional Surveyors, designing project</u>

- Acquire additional land from Tom Heidenreich and consolidate with the existing land and special use to cover the full site. The existing plant has a lot of worn out equipment and with newer regulations makes it stricter, and frequency of larger rains it keeps getting worse. Purpose is to make sure what is being discharged is protecting the public health and safety. The lagoons will be excavated and used to create berms and used on existing site. The project will provide a new way to handle the waste from the cheese plant that is very concentrated and disrupts the digester. The new equipment will help detect this and put into another location and able to be treated differently.

Heuerman asks if there is any option to hook to Ag plant south of town.

- Steve Schmidt states he is not aware of plans for that right now.

Gratton asks about the acreage of 21+ acres.

- Steve Schmidt states total it will be 21.27 acres.

Gratton asks how the lagoons will look and to be constructed.

- Steve Schmidt states that when we get a big rain event the storm water gets into the wastewater system and causes the massive flows to come out to the plant and it overwhelms it. The wastewater is highly diluted by that time but it still is getting out and this is supposed to capture that and put it back through the plant to treat when it has capacity. The lagoons will be grass on the side berms and will have rip rap on inside and have clay bottoms. A geotechnical firm will test to make sure not permeable. They should not have standing water provided grading and silt does not set.

Gratton asks about odors.

- Steve Schmidt indicates that there should not be a problem; we have put these in Lanark and other towns.

Eric asks about the green arrows on the site plan

- Steve Schmidt indicates that is the surface water will run. We will put swales around to help water flow. Pipeline company came out and 42 inches below.
- Steve Schmidt provided rendering of area. Lagoons will be maybe 10-15 feet deep, about half will be visible above ground.

Tranel asks about power source

- Steve Schmidt states as far as he knows electricity

Public Testimony

Tom Heidenreich

- When the cheese plant sends material like raw milk, we do get a smell when it upsets the digester, this new should control that.

Public Testimony Closed

Standards for special use reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Diedrick to recommend approval of the special use request as presented to allow for continued operation and expansion of WWTF stating the following:

1. Standards for variance are met

Seconded by Winter

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

Standards for variance reviewed 1 –ok; 2 – ok; 3 – true; 4 – true; 5 – true; 6 – ok; 7- ok

A motion was made by Tranel to approve the variance request as presented from the required 20 feet to 16.5 feet, variance of 3.5 feet to allow for placement of additional equipment at the existing Wastewater Treatment Facility stating the following:

1. Standards for variance are met
2. Adherence to other applicable County and State rules and regulations

Seconded by Winter

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

Reports and Comments:
Tranel made a motion to adjourn at 9:16 PM. Winter seconded. Voice Vote: All Ayes