

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Mayor Manier and City Council
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: First Reading Ordinance – Barry Vineyards, LLC, Special Use Request, 1774 E. Cruger Road
DATE: August 14, 2019

Summary: Barry Vineyards, LLC, has submitted a special use application for the allowance of a winery to operate at 1774 E. Cruger Road. The zoning code requires a special use permit be issued for the operation of a winery in the AG-1 zoning district. Staff recommends approval of the special use contingent on the conditions specified below.

Background: Bob and Lisa Barry of Barry Vineyards, LLC, recently purchased the property from the City of Washington. Neither city water or sewer are extended to the property nor are they planned for extension in the near future. The requested annexation of this property is on the City Council's agenda as a second reading ordinance on August 5. If approved, the property would be zoned as AG-1.

The subject property to be annexed totals about 51.59 acres. The Barry's propose to operate Tres Rojas Winery with most of the operation located on the southern half of the property. Nearly two-thirds of the property is located in the 100-year floodplain and the soil conditions are best near the rear of the property. Furthermore, the floodplain would restrict any building construction unless it was raised above the base flood elevation or floodproofed. Its location near the southern portion of the property is best in order to maintain a rural, quieter setting.

The Barry's intend to have a 60'x100' building with space for the wine processing, bottling/inventory, a tasting bar, and small event space. Total occupancy would be for 180 people with the event space available for parties of 90 guests or less. Off-street parking would be provided on the southern portion of the parcel for 80 standard spaces and four ADA spaces. This parking would be constructed according to City standards and all gravel would be treated to create a durable and dustless surface.

In order to ensure that the winery is compatible with the area, staff proposes the following conditions for the approval of the special use permit:

- One ground sign is allowed near the entrance to the property that does not exceed 32 square feet in size;
- The ground sign shall only be illuminated with limited-powered lights that are directed solely on the sign;
- Lighting utilized within the ingress-egress and parking lot shall only operate from dusk to dawn, not exceed 14 feet in height, and provide a minimal security level;
- The winery shall only be open to the public until 8:00 p.m. Friday and Saturday and until 6:00 p.m. Sunday through Thursday;
- Amplified sound shall be minimized as much as possible and outside music shall not be allowed after 8:00 p.m. Friday and Saturday or after 6:00 p.m. Sunday through Thursday;
- Any buildings located on the property shall be kept at least 50 feet away from the west, south, and east property lines and at least 1,000 feet away from the north property line; and
- No parking shall be allowed adjacent to E. Cruger Road and any off-street parking shall not be closer than 500 feet from E. Cruger.

The Planning and Zoning Commission held a public hearing on this request at its meeting on Wednesday, August 7 and unanimously recommended approval contingent on the conditions indicated. A first reading ordinance is scheduled for the August 19 City Council meeting with a second reading to be scheduled for September 3.

Enclosures

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would allow for a winery to operate at 1774 E. Cruger Road contingent upon conditions established pertaining to its signage, lighting, noise, operating hours, building setbacks, and off-street parking setbacks).

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A WINERY TO OPERATE AT 1774 E. CRUGER ROAD

WHEREAS, the City of Washington Zoning Ordinance adopted February 20, 1961, as amended, provides for a special use for the allowance of breweries, distilleries, and wineries within §154.037 where conditions are met; and

WHEREAS, a petition has been filed with the City of Washington and referred to the Planning and Zoning Commission requesting such a special use for the operation of a winery at 1774 E. Cruger Road; and

WHEREAS, public notice in the form required by law was given of the public hearing, and the Planning and Zoning Commission held such a public hearing on August 7, 2019, and has recommended such a special use; and

WHEREAS, the Planning and Zoning Commission has made its findings and recommendations concerning the special use permit and the corporate authorities have duly considered said findings and recommendations and find that the special use procedures have complied with the Washington Zoning Ordinance:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, THAT:

Section 1. The reports, findings, and recommendations of the Planning and Zoning Commission are herein incorporated by reference as the findings of the City Council, as completely as if fully recited herein at length. Also, all exhibits submitted at the public hearing are hereby incorporated by reference as fully as if attached hereto. The City Council further finds that the proposed special use is in the public good and in the best interest of the City and its residents and is consistent with and fosters the purposes and spirit of the City of Washington Zoning Ordinance. The special use granted will not be detrimental to the public health, safety, morals, comfort and general welfare, nor shall it be injurious to the use and enjoyment of other properties in the vicinity, nor substantially diminish or impair property values within the neighborhood.

Section 2. That the following legally described property (the "Property") owned by Barry Vineyards, LLC, an Illinois limited liability company, be granted a special use permit for the operation of a winery by Tres Rojas Wines, LLC, an Illinois limited liability company:

PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF TRACT 3 IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 26

NORTH, RANGE 2 WEST OF THE THIRD PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 18, THENCE NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, (BEARINGS BASED ON THE ILLINOIS STATE PLANE, WEST ZONE, NAD83, 2011 ADJUSTMENT), ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 709.01 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED:

FROM THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 625.96 FEET TO THE NORTHWEST CORNER OF A 6.762 ACRE± TRACT AS RECORDED IN PLAT BOOK "MM", PAGE 56 IN THE TAZEWELL COUNTY RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 59 MINUTES 51 SECONDS EAST, ALONG THE WEST LINE OF SAID 6.762 ACRE± TRACT, A DISTANCE OF 516.41 FEET TO A WOOD POST BEING THE SOUTHWEST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES 17 MINUTES 41 SECONDS EAST, ALONG THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 5.19 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 55 MINUTES 07 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 1722.35 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE TOLEDO, PEORIA & WESTERN RAILROAD; THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 1516.14 FEET; THENCE NORTH 00 DEGREES 54 MINUTES 38 SECONDS WEST A DISTANCE OF 295.75 FEET; THENCE NORTH 78 DEGREES 07 MINUTES 15 SECONDS EAST, A DISTANCE OF 150.00 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 54 MINUTES 38 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 830.48 FEET; THENCE NORTH 89 DEGREES 15 MINUTES 51 SECONDS EAST, A DISTANCE OF 704.25 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 44 SECONDS WEST, A DISTANCE OF 1376.54 FEET TO THE POINT OF BEGINNING SAID TRACT CONTAINING 51.590 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION USED AS PUBLIC ROAD RIGHT OF WAY ALONG THE NORTH SIDE THEREOF, ALSO BEING SUBJECT TO ANY EASEMENTS, RESERVATIONS, RESTRICTIONS AND RIGHT OF WAY OF RECORD.

As depicted on the Plat of Survey recorded in the office of the Tazewell County Recorder as Document No. 000-71.

Section 3. That the Special Use Permit allows the operation of a winery at the Property subject the following conditions:

- One (1) ground sign is allowed near the entrance to the Property that does not exceed thirty-two (32) square feet in size.
- The ground sign shall only be illuminated with limited-powered lights that are directed solely on the sign.
- Lighting utilized within the ingress-egress and parking lot shall only operate from dusk to dawn, not exceed fourteen (14) feet in height, and provide a minimal security level.
- The winery shall only be open to the public until 8:00 p.m. Friday and Saturday and until 6:00 p.m. Sunday through Thursday.
- Amplified sound shall be minimized as much as possible and outside music shall not be allowed after 8:00 p.m. Friday and Saturday or after 6:00 p.m. Sunday through Thursday.
- Any buildings located on the Property shall be kept at least fifty (50) feet away from the west, south, and east property lines and at least one thousand (1,000) feet away from the north property line.
- No parking shall be allowed adjacent to E. Cruger Road and any off-street parking shall not be closer than five hundred (500) feet from E. Cruger Road.

Section 4. That the City Zoning Officer be directed to issue any permits to allow the operation of a winery to operate on the Property in compliance with this special use ordinance.

Section 5. That the Zoning Map of the City of Washington, Tazewell County, Illinois, be amended so as to conform to the Special Use Permit granted herein.

Section 6. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2019.

AYES _____

NAYS _____

ATTEST:

Mayor

City Clerk

CITY OF WASHINGTON, ILLINOIS

APPLICATION FOR SPECIAL USE

To have a complete application for a special use, you must submit the following:

- Signed and completed application
- Plat showing subject property and all adjacent properties - See below for plat requirements
- Ownership documentation (lease, deed, mortgage, etc.)
- Accurate legal description obtained from the Warranty Deed
- Application fee of \$100 payable to the City of Washington

Address or location of property: 1774 E. Cruger Rd

Property Tax ID (PIN) number: 02 - 03 - 18 - 200 - 007

Current zoning classification of the property: A61

Current use of the property: Pow Crops

What is the Special Use for? Winery

How will you meet other requirements of the zoning code (such as parking or landscaping, if applicable)?

All parking and landscaping will be within property

Name of Applicant: Robert Barry / Tres Rojas Wines Phone Number of Applicant: _____

Address of Applicant: 148 Tamarack Ave, Morton, IL 61550

Owner of Property: Barry Vineyards, LLC

Address of Owner: 148 Tamarack Ave, Morton, IL 61550

I would like to receive correspondence by: ☐ Mail ☒ Email Email address: _____

PLAT REQUIREMENTS: Your special use plat must show:

- Building or site plan layout and locations of proposed special uses, including square footage
- Adjacent properties, rights-of-way, streets, roads, railroads, waterways, and other physical features

PUBLIC HEARING: Your case will be referred with staff's recommendation to the next regularly scheduled Planning and Zoning Commission meeting for a public hearing. The Planning and Zoning Commission meets the first Wednesday of every month at 6:30 p.m. at the Washington District Library meeting room at 380 N. Wilmar Road. At the Planning and Zoning Commission meeting, you will present your request. A special use cannot be recommended by the Planning and Zoning Commission unless the Commission finds, based upon the application and evidence presented at the public hearing, that all of the following conditions have been met:

1) The special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare; 2) The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity, or substantially diminish or impair property values; 3) The special use will not impede development of surrounding property; 4) Adequate utilities, access roads, drainage, or necessary facilities will be provided; 5) Adequate ingress and egress provided to minimize traffic congestion in public streets; 6) The special use will conform to all other application regulations of the zoning district; and 7) If the special use would not otherwise be acceptable, the Planning Commission may recommend certain conditions be met to make the use acceptable, such as, but not limited to: landscape screening or fencing, specific hours of operation, night lighting or lighting restrictions, parking area requirements, signage restraints, outdoor storage limitations.

Certification: To the best of my knowledge, the information contained herein, and on the attachments, is true, accurate, and correct, and substantially represents the existing features and proposed features. Any error, misstatement, or misrepresentation of material fact or expression of material fact, with or without intention, shall constitute sufficient grounds for the revocation or denial of the proposed Special Use.

Robert Barry
Signature of Applicant

7/2/19
Date

Robert Barry
Signature of Owner

7/2/19
Date

After receiving a completed application, the City Clerk will file notice of your request with the local newspaper and with the adjoining property owners. If you have any questions, please contact Jon Oliphant, Planning & Development Director at (309) 444-1135.

FOR OFFICE USE ONLY Case No.: _____

Plat Submitted? Y / N Date: _____

Documentation of Authority Submitted: _____

Commission Action: _____

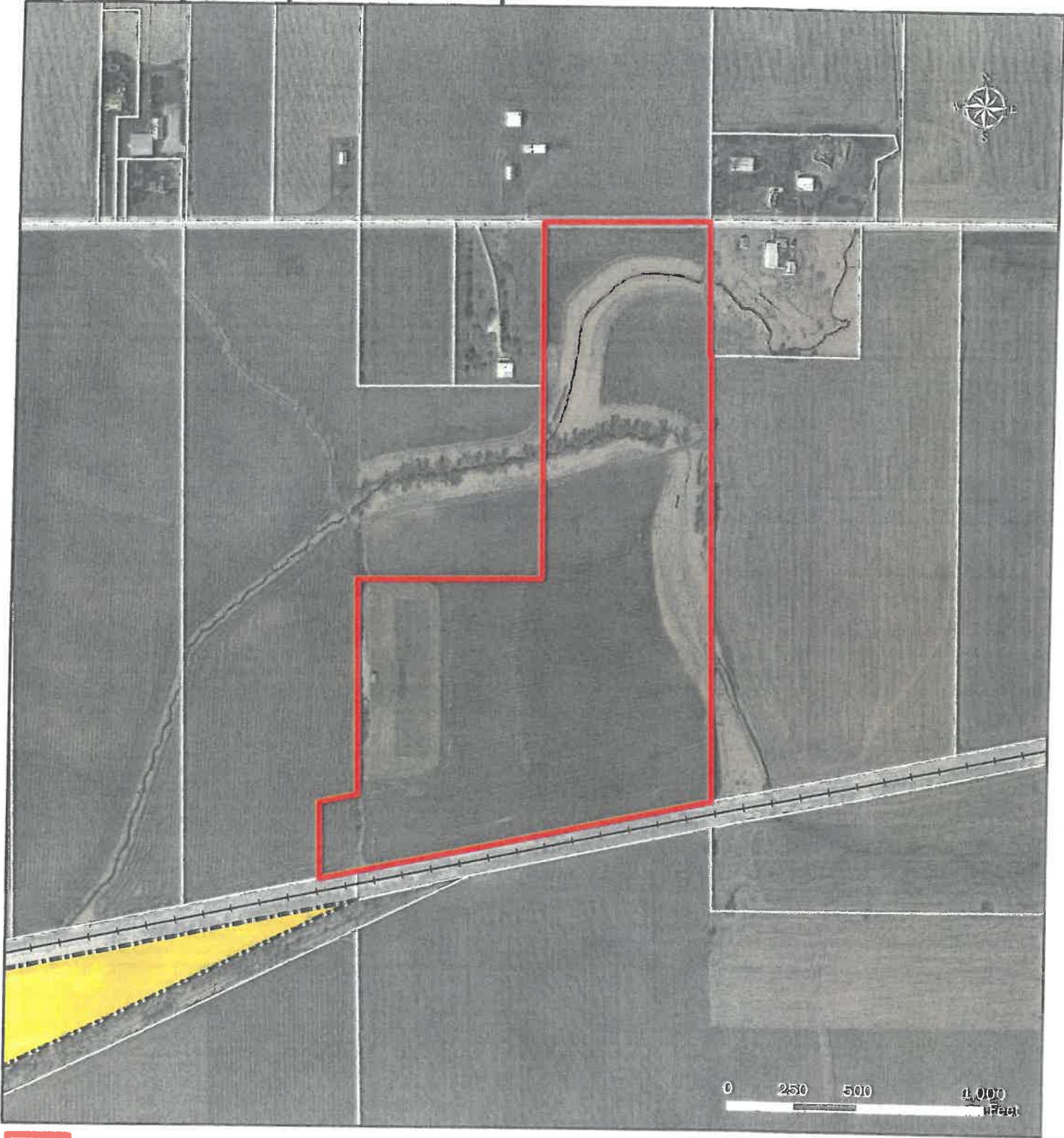
Fee Paid? Y / N / N/A Amount: _____ Date: _____

Landscaping Plan Submitted? Y / N / N/A Date: _____

Date to go before the Planning and Zoning Commission: _____

Ordinance Review: (first reading) _____ (second reading) _____

Barry Vineyards Special Use Request



-  Barry Vineyards Property
-  Existing Washington City Limits

Zoning Classifications

- | | |
|--|--|
| AG-1 (Agriculture) | C-1 (Local Retail) |
| CE (Country Estates) | C-2 (General Retail) |
|  R-1A (Single Family Residential) |  C-3 (Service Retail) |
|  R-1 (1-2 Family Residential) |  I-1 (Light Industrial) |
|  R-2 (Multifamily Residential) |  I-2 (Heavy Industrial) |



TRES ROJAS WINERY

Company Background

Tres Rojas Wines, LLC was established in 2015 by Bob and Lisa Barry. Commercial wine production began in July 2016 in a warehouse located in Morton IL. The existing vineyard is 1.3 acres on Allentown Rd in Pekin, IL. Tres Rojas Wines has a distributor's license and product is currently sold through local retail stores and in area restaurants for wine pairing events.

Bob Barry is the vineyard manager and winemaker. His amateur wines have won several dozen awards in state and national competitions since 2015. Last summer, our first commercial entries won a top state award, two gold and two silver medals. The wine portfolio offers a range of wine styles to include Illinois wine, California wine and fruit wines.

Bob is a career long biologist for the Federal government and is currently a wildlife refuge manager. Sustaining the proposed parcel with respect to the nature, wildlife, and shifting the agricultural activities to that of viticulture is well within Bob's area of expertise.

Winery Plan

Objective: To combine the vineyard, wine production and storage space, and open a retail tasting room which would allow for immediate sale of current wine inventory valued at over \$100k. This venture would provide immediate sales tax contribution to Washington and city tourism as wineries are often a day trip or vacation attraction.

Parcel and Site Plan: The 50.2 acres on Cruger Road provides a unique location for the winery. The building and 8 acres of grapes will be located on the back hill on the south portion of the parcel, farthest from Cruger Rd. (See figure 1) The gravel road will bring guests over the improved creek crossings and beyond the first tree line, where the vineyard rows will greet them as they drive up the lane to the tasting room.

The building would be 60x100. The rear section 60x40 would house grape processing, bottling and inventory. The front section 60x60 would have the tasting bar area and gathering space. Max occupancy would be 180. The winery would not have a kitchen, but people could bring food in or have food delivered or catered in. A 30x50 patio would overlook the vineyard and adjacent farm land. The Washington R/C Flyers club will continue to operate on the property and their lease will be renewed in 2025.

The intent is to provide a space to sit down with family and friends and enjoy a glass of wine in a very serene environment.

Business Plan:

- Hours of operation: Wednesday/Thursday 11am-5pm, Friday/Saturday 11am-7pm, Sunday 12-5pm.
- The winery would be available for special occasions or events for 90 guests or less. With the exception of wedding vows in the vineyard, wedding activities (food, music) would be housed inside.
- On occasion there may be an acoustic performer on the patio, weather permitting, in accordance with any noise ordinance for the city. It is expected that the noise level would be no different than highway traffic, or your neighbor playing a radio in their backyard. This will not be a concert venue like Mackinaw Valley Winery. (Read: we are old and not planning on working all night...lol)

FAQs

What about the monarch butterfly migration?

- As a wildlife biologist, Bob will be improving the butterfly habitat by converting crop ground to a vineyard. The front/North end of the parcel adjacent to Cruger Rd will be converted to native grasses and wildflowers that provide nectar and milkweed for the entire migratory season. The non-native invasive reed canary grass along the creeks will be replaced with native species and trees will be encouraged to grow.

What about lighting and parking lot lights?

- Lighting for the winery would consist of 6 dusk to dawn solar parking lot lights 12-14 feet high at low wattage and be motion activated to turn on. These lights would power down to 30% unless activated by motion. Lights would be directed downward.
- Motion detection lights would be on the front and rear of the building.
- Signage at the entry would have a solar light directed on the face of the sign itself.
- Three to five, motion detection solar light posts may be positioned on the drive way to the facility. Again, these lights would power down to 30% unless activated by motion.

Will there be a huge Sign?

- We will have a sign on Cruger Rd to the west of the entrance. This will be closer to the ground than the current RC flyer sign and less than the allowable size by the city. A solar light will be attached on top to shine down on the face of the sign.

What about parking?

- The facility will have 80 standard and 4 ADA parking spots. If we have an event that requires additional parking, there is ample room for more cars on the grass around the main parking lot area and at the bottom of the hill. All parking will be located on the south end of the parcel, behind the first tree line. All gravel will be treated to minimize dust according to city requirements.

Will we see increased traffic for concerts, like Mackinaw Valley Winery?

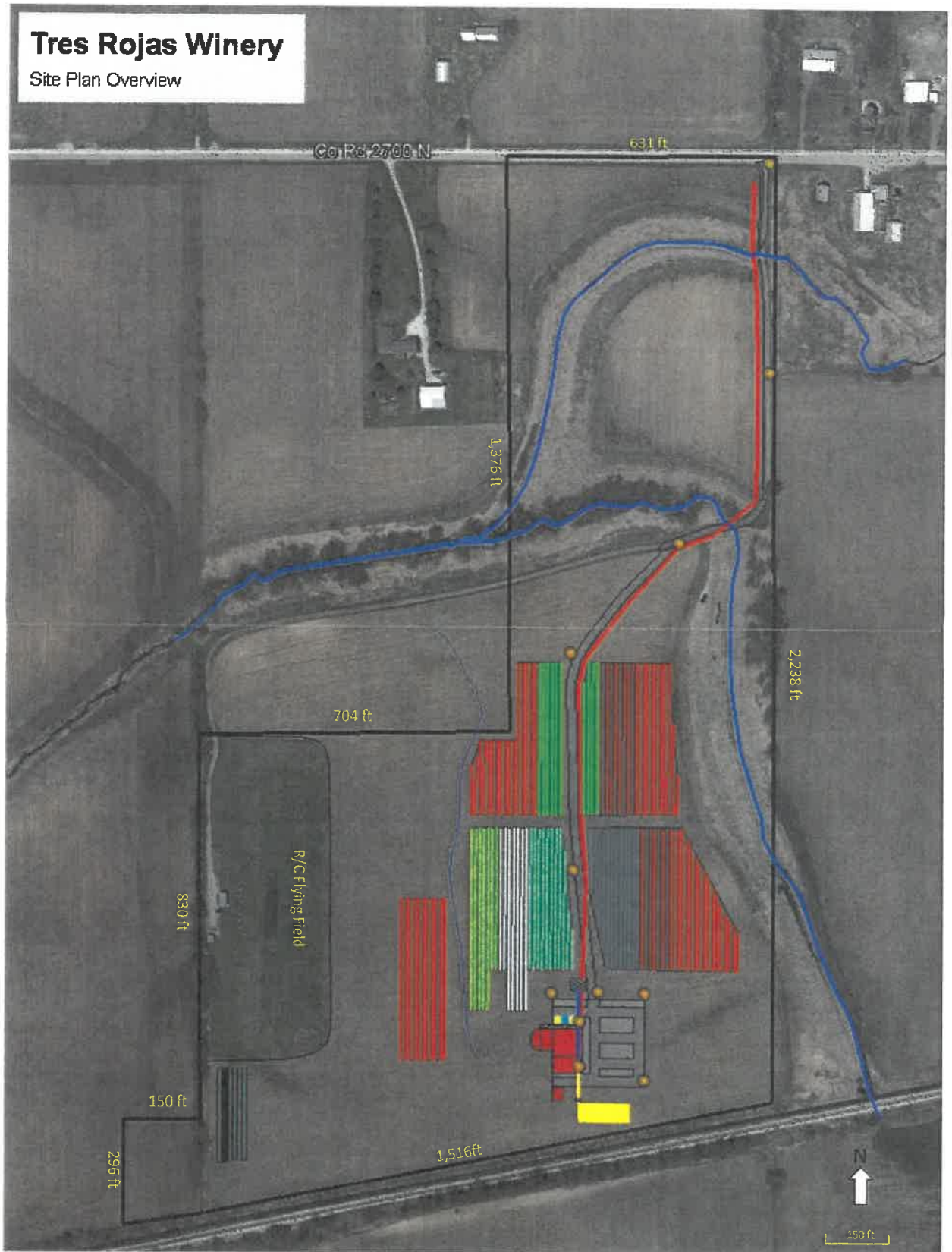
- The short answer is NO. We do not intend to become a concert venue. While we may have music on the patio or advertise a performer, our events will be during hours of operation, in accordance with the city noise ordinance, during day light hours, and possibly outdoors with weather permitting. We won't need to have a band to sell wine. We make really good wine.
- Our intent is to provide a scenic venue for guests to gather with family and friends and enjoy the view, celebrate a birthday or anniversary, or other event. The traffic pattern for our winery will generate intermittent comings and goings, where a mass exodus is not a norm.

What about neighboring farms, spraying pesticides, etc?

- The two herbicides of most concern are dicamba and 2,4-D. Both of these chemicals can cause major damage to grapes in small doses, especially during flowering. We will work with neighboring farmers to minimize impacts to our grapes. Any person spraying fields and crops is required to adhere to product use and spray directions. When used properly, drift and volatilization is minimized and row crops and vineyards can co-exist, the same as if a row crop farm was adjacent to an organic farm.
- There are nearby hog farms, and we are cool with that. We currently reside in Morton - so we are used to that lovely rotting pumpkin smell!

Tres Rojas Winery

Site Plan Overview



Tres Rojas Winery

Building and Vineyards



50 ft

Perennial grasses in all vineyard blocks and non-planted areas will be maintained as green space

Non-native grasses replaced with native grasses and wildflowers trees will also be encouraged to grow in here

Vineyard
1.2ac

Vineyard
1.6ac

Vineyard
1.9ac

Vineyard
2.3ac

Vineyard
0.9ac

Well

Underground Electric

Parking 80 + 4 ADA

Lights

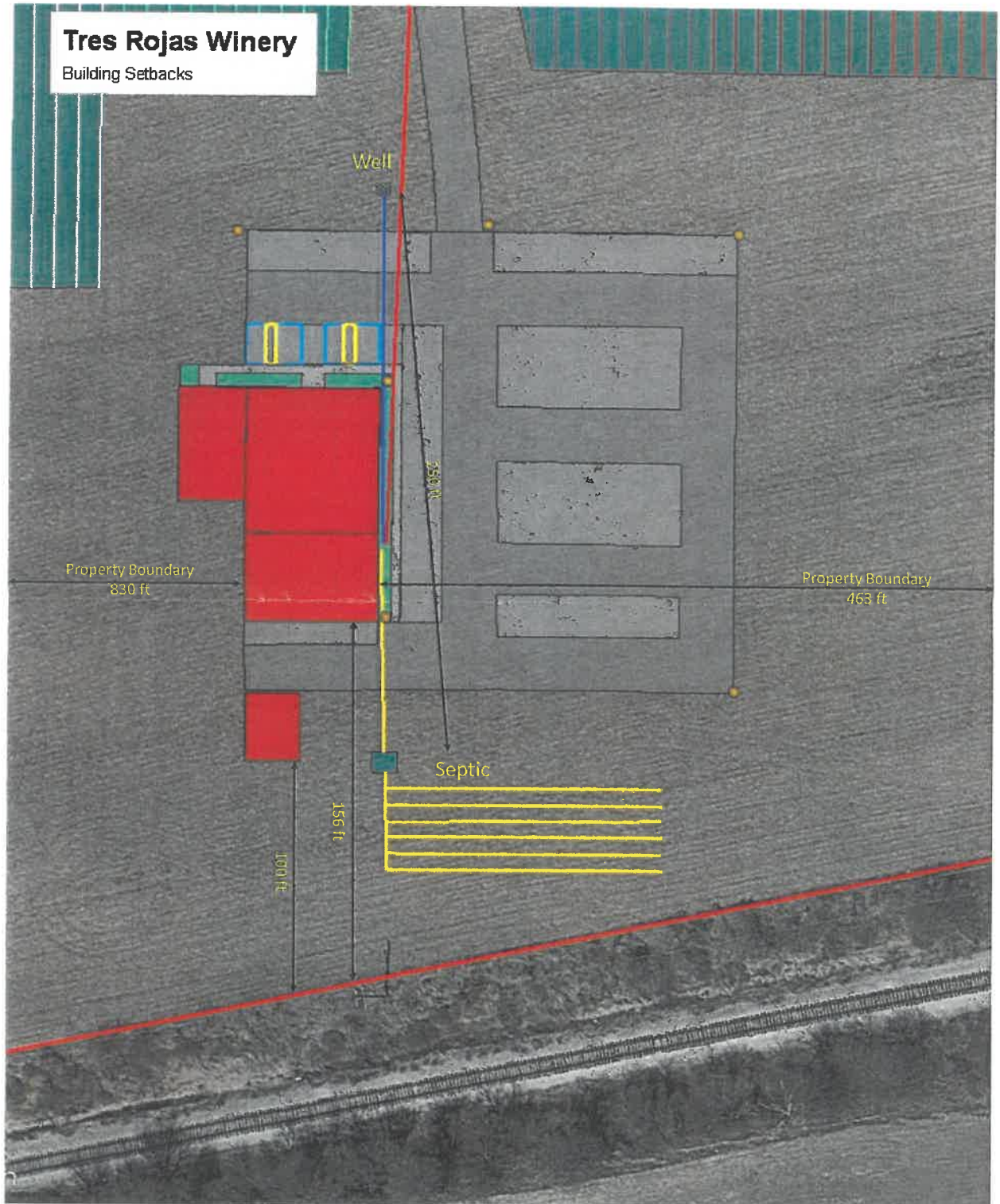
Tractor
Shed

Septic



Tres Rojas Winery

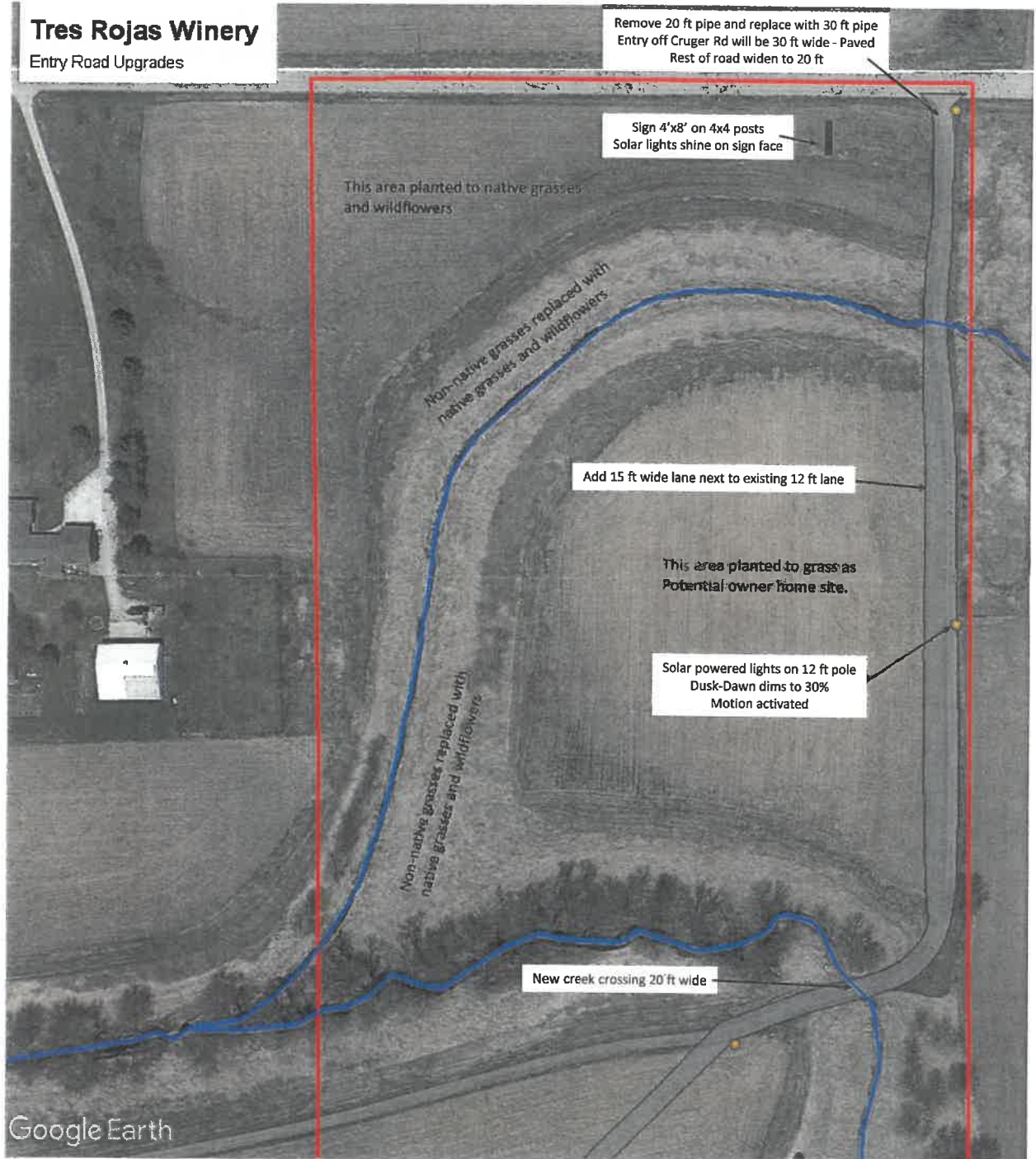
Building Setbacks



60 ft

Tres Rojas Winery

Entry Road Upgrades



120 ft