

CITY OF WASHINGTON

PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Chairman Burdette and Planning and Zoning Commission
FROM: Jon R. Oliphant, AICP, Planning & Development Director
SUBJECT: Public Hearing – Request by Barry Vineyards, LLC, to amend some of the conditions of a previously approved special use to operate a winery at 1774 E. Cruger Road
DATE: May 24, 2021

Zoning: AG-1 (Agriculture)

Comprehensive Plan: Parks and Open Space

Summary: A special use was approved in August 2019 to allow Barry Vineyards, LLC, to operate a winery 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. Bob and Lisa Barry opened Tres Rojas Winery in late 2020 at this location. Staff recommends approval of the amendment for two of the conditions of the special use as detailed below.

Background: Several conditions were included in the approved special use ordinance, a copy of which is attached with this memo. Among them are that 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. Additionally, amplified sound must be minimized as much as possible and outside music is not allowed after the same hours. Chapter 95.01 of the City Code restricts any loud, unnecessary or unusual noise where such noise can be clearly heard 100 feet from the boundary of the property after 11:00 p.m. Friday and Saturday and after 10:00 p.m. Sunday through Thursday.

Mr. and Mrs. Barry have asked for an amendment to repeal the public hour and outside noise time restrictions currently contained within the special use. This would allow the winery to have more typical operating hours. The City's noise restrictions would apply to the business as it would for any other property within the city limits. Tres Rojas was originally drawn to the property because of its rural setting and does not want to have the type of noise that would detract from that.

Due to these reasons, staff supports the proposed special use amendment that would repeal the conditions pertaining to the public hours of operation and outside music. Any increase of the hours that Tres Rojas can be open to the public would improve its ability to succeed financially. All of the other conditions as part of the special use would continue to remain effective.

A public hearing will be held by the Planning and Zoning Commission at their meeting on Wednesday, June 2. A first reading ordinance will be scheduled for the June 7 City Council meeting.

Enclosures

cc: Tres Rojas Winery

ORDINANCE NO. 3340

(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.

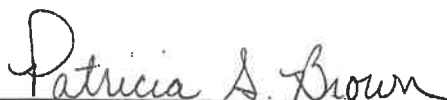
PASSED AND APPROVED this 19th day of August, 2019.

AYES Adams, Black, Brownfield, Butler, Cobb, Dingledine, Stevens, Yoder

NAYS -0-

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
- Ownership documentation (lease, deed, mortgage, etc.)
- Plat showing subject property and all adjacent properties – See below for plat requirements
- 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. Crupper Rd
Property Tax ID (PIN) number: _____
Current zoning classification of the property: A67
Current use of the property: Winery & Vineyards
What is the Special Use for? operating hours
How will you meet other requirements of the zoning code (such as parking or landscaping, if applicable)? _____

Name of Applicant: Robert Bamy Phone Number of Applicant: _____
Address of Applicant: 148 Tamarack, Marton, IL
Owner of Property: Bamy Vineyards, LLC
Address of Owner: 148 Tamarack, Marton, IL
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. Wilmor 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.

Signature of Applicant: Robert Bamy Date: 5/11/21
Signature of Owner (Manager): Robert Bamy Date: 5/11/21

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) _____

CRUGER RD.

**CITY OF
WASHINGTON**
TAZEWELL COUNTY, ILLINOIS

LOCATION MAP



Legend

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



*Prepared by the City of Washington
Department of Planning and Development*

Printed: May 25, 2021