



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: June 21, 2021

Prepared By: Jon Oliphant, AICP, Planning & Development Director

Agenda Item: Second Reading Ordinance – Tres Rojas Wines Special Use Amendment

Explanation: A special use was approved in August 2019 to allow Barry Vineyards, LLC, to operate a winery at 1774 E. Cruger Road. Bob and Lisa Barry opened Tres Rojas Winery in late 2020 at this location. The zoning code requires a special use permit be issued for the operation of a winery in the AG-1 zoning district.

Several conditions were included in the original special use ordinance. 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 Barry submitted a special use application to request that both of the hourly restriction provisions be repealed.

Fiscal Impact: Any increase of the hours that Tres Rojas can be open to the public would improve its ability to succeed financially. The winery generates sales tax from the products it produces and sells.

Recommendation/

Committee Discussion Summary: The Planning and Zoning Commission held a public hearing on this at its meeting on June 2. After some discussion, the PZC unanimously recommended that the hours for both conditions be increased to 10:00 p.m. Friday and Saturday and until 8:00 p.m. Sunday through Thursday. Following a motion and discussion during the first reading ordinance at the June 7 Council meeting, the attached revised ordinance reflects a one-hour increase in those hours to 11:00 p.m. Friday and Saturday and until 9:00 p.m. Sunday through Thursday.

Action Requested: Approval of the attached ordinance. A second reading ordinance is scheduled for the June 21 Council meeting.

ORDINANCE NO. _____

(Synopsis: Adoption of this ordinance would amend two of the conditions as part of the operation of a winery at 1774 E. Cruger Road pertaining to its public hours of operation and its allowance for outdoor amplified sound.).

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 an amendment to a special use previously approved 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 June 2, 2021, and has recommended such a amendments to the 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 11:00 p.m. Friday and Saturday and until 9:00 p.m. Sunday through Thursday.
- Amplified sound shall be minimized as much as possible and outside music shall not be allowed after 11:00 p.m. Friday and Saturday or after 9:00 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 _____, 2021.

AYES _____

NAYS _____

ATTEST:

Mayor

City Clerk