

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-22

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
FOR THE MSJ LARSON QUARRY
LOCATED AT BARBER GREENE AND AIRPORT ROADS
IN CORTLAND TOWNSHIP**

WHEREAS, DeKalb County Ordinance 76-6 approved a Special Use Permit to allow mining, loading and hauling of sand, gravel, topsoil and related aggregate or minerals on property located at the southeast corner of Barber Greene and Airport Roads in Cortland Township, said quarrying operation being owned and operated by MSJ Larson, Inc. and being zoned A-1, Agricultural District, and said property being legally described as set forth in Exhibit "A" attached hereto; and

WHEREAS, Ordinance 76-6 includes certain conditions of approval, including that no access from the subject property to Airport Road shall be permitted, and no excavation shall be permitted within 500 feet of the "Pearson" house located at 21490 Airport Road; and

WHEREAS, MSJ Larson, Inc. has purchased the "Pearson" house and desires to include the 3.43 acre property as part of the quarry operation, and therefore has filed a petition for an Amendment to the Special Use Permit to eliminate the conditions of Ordinance 76-6 which restrict access from the quarry to Airport Road and restrict excavation from occurring within 500 feet of the house at 21490 Airport Road; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on August 31, 2006, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Amendment to the Special Use Permit, and one members of the public asked questions but none testified in favor of nor in opposition to the request; and

WHEREAS, based on the evidence, testimony and exhibits, the Hearing Officer has made his findings of fact and recommended approval of the Amendment to the Special Use Permit, subject to conditions, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated August 31, 2006, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony presented at the afore mentioned public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded to the DeKalb County Board a recommendation of approval of the requested Amendment to a Special Use Permit, subject to conditions; and

WHEREAS, the DeKalb County Board has considered the recommendation of the Planning and Zoning Committee and the findings of fact and recommendation of the Hearing Officer, and has determined that granting approval of the requested Amendment to a Special Use Permit to modify the conditions of operation for the quarry to allow the property at 21490 Airport Road to be used by the quarry is consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact, DeKalb County Ordinance 76-6, granting a Special Use

Permit for a quarry operated by MSJ Larson, Inc. and located at the southeast corner of Barber Greene and Airport Roads in Cortland Township, is hereby Amended by striking items b. and c. of Section 3 of said Ordinance, in order to allow the property located at 21490 Airport Road to be included as part of the quarry, said property being hereby included under the Special Use Permit for the quarry, and said property being legally described in Exhibit "A" attached hereto, subject to the condition set forth below.

SECTION THREE: Approval of this Amendment to a Special Use Permit is subject to the condition that ingress and egress at the property at 21490 Airport Road shall be restricted from use by vehicles removing quarry material or hauling material into the quarry.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF OCTOBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ALONG THE SECTION LINE BETWEEN SECTION 14 AND 15 AFORESAID, A DISTANCE OF 303.3 FEET TO A STONE MONUMENT; THENCE WESTERLY ON AN ANGLE OF 94 DEGREES 11 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE A DISTANCE OF 254.0 FEET; THENCE CONTINUING WESTERLY ALONG FENCE AND OCCUPATION LINE AT AN ANGLE OF 175 DEGREES 40 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE A DISTANCE OF 301.7 FEET; THENCE CONTINUING WESTERLY ALONG FENCE AND OCCUPATION LINE AT AN ANGLE OF 173 DEGREES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE A DISTANCE OF 154 FEET; THENCE CONTINUING WESTERLY ALONG SAID FENCE AND OCCUPATION LINE AT AN ANGLE OF 180 DEGREES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE A DISTANCE OF 3,359.8 FEET TO THE CENTER LINE OF A PUBLIC ROAD; THENCE SOUTHERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD, THE NORTHERLY EXTENSION OF WHICH FORMS AN ANGLE OF 88 DEGREES 35 MINUTES MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 65.2 FEET TO THE POINT OF BEGINNING OF THE PREMISES HEREIN DESCRIBED; THENCE EASTERLY AT AN ANGLE OF 90 DEGREES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 355.57 FEET; THENCE SOUTHERLY AT AN ANGLE OF 90 DEGREES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 420 FEET; THENCE WESTERLY AT AN ANGLE OF 90 DEGREES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 355.57 FEET TO THE CENTER LINE OF SAID PUBLIC ROAD; THENCE NORTHERLY AT AN ANGLE OF 90 DEGREES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 420 FEET TO THE POINT OF BEGINNING, IN DEKALB COUNTY, ILLINOIS.

P.I.N.: 09-15-300-002



Planning/Zoning/Building Department

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
Planning Director

DATE: September 13, 2006

SUBJECT: Larson Gravel Pit Special Use Permit Amendment
Petition CO-06-12

MSJ Larson, Inc., owner of the Larson Quarry, has filed a petition for an Amendment to a Special Use Permit to include the property located at 21490 Airport Road in Cortland Township as part of its operation. The site is located on the east side of Airport Road, approximately 2,400 feet south of Barber Greene Road, and is zoned A-1, Agricultural District.

MSJ Larson, Inc. is proposing to add the 3.43-acre property to the Special Use Permit granted by the DeKalb County Board by County Board Ordinance 76-6 for the gravel pit. This Ordinance established the legal description of the property covered by the quarry. MSJ Larson is now proposing to modify the boundary of the Special Use Permit to include the 3.43-acre parcel which includes the former "Pearson House". Although the size of the additional parcel and the buildings thereon will not exceed the ten percent (10%) threshold for expansion of Special Uses, the gravel pit is subject to conditions set forth in the original Special Use Permit granted by the DeKalb County Board. In order to add the 3.43-acre parcel to the Special Use, the terms under which the gravel pit operates must be changed to allow mining to occur with 500 feet of the house at 21490 Airport Road, and to allow the driveway on the property to be used by vehicles associated with the gravel pit.

The required public hearing was conducted on August 31, 2006 by DeKalb County Hearing Officer Ron Klein. The petitioner explained that the subject property is surrounded by the gravel pit on the north, south and east sides. The property will eventually be used as a quarry, and the existing berm located along Airport Road will be extended across the parcel. The house may be used for limited office space, and the garage may provide some storage. The petitioner asserted that the existing drive will not be used for gravel trucks to enter and exit from Airport Road. One of the existing wells will be capped, and an existing heating oil tank on the property will be removed. One member of the public asked a question, and no members of the public spoke in favor of the use or in opposition to the request.

The Hearing Officer has submitted his Findings and has recommended approval of the Special Use Permit, with conditions (see attached Findings of Fact). Recommended conditions include restricting the access on the subject property to vehicles associated with that property only and not to trucks used in quarrying activities, and requiring the capping of one well and the removal of the heating oil tank. The Planning and Zoning Committee is requested to make a recommendation to the full County Board on the request in the form of an ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

cc: Peter Thomas Smith, attorney for petitioner

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STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2006-23

**AN ORDINANCE AMENDING SECTION 10.02
OF THE DEKALB COUNTY ZONING ORDINANCE
REGARDING CRITERIA FOR USE VARIATIONS**

WHEREAS, Section 10.02 of the DeKalb County Zoning Ordinance contains criteria for Use Variations, a process under which a lot of less than 40 acres in size in the A-1, Agricultural District may be considered buildable for a single-family residence, and one of the criteria is that the property owner purchased the property prior to December 31, 1993; and

WHEREAS, it has been determined that there are instances in which property owners may have acquired property by means other than purchase, and such persons should also have the opportunity to be granted a Use Variation provided, among other conditions, they acquired the property prior to October 20, 1976, the date on which the County established that the minimum lot size for new farm dwellings should be located on lots of 40 acres or more than size; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board directed the Planning, Zoning and Building Department staff to file an application for a Text Amendment to the DeKalb County Zoning Ordinance to add language to the above effect to the criteria for Use Variations contained in Section 10.02, said amendment set forth below; and

WHEREAS, following due notice published in The Daily Chronicle not less than 15 days in advance, a public hearing was conducted on September 7, 2006 by the DeKalb County Hearing Officer regarding the proposed Text Amendment to Section 10.02, and two persons spoke in favor of the proposal and one in opposition thereto; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has made findings of fact and recommended approval of the proposed amendment to the Zoning Ordinance, as set forth in the Findings of Fact and Recommendation, dated September 14, 2006, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Planning and Zoning Committee of the County Board has considered the proposed Text Amendment and the recommendation of the Hearing Officer and has forwarded a recommendation to the full County Board that the proposed amendment be adopted; and

WHEREAS, the DeKalb County Board has determined that it is in the best interest of the citizens of the County to amend Section 10.02 of the DeKalb County Zoning Ordinance to accommodate consideration of property owners who acquired property prior to October 20, 1976;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings and recommendation of the DeKalb County Hearing Officer, Exhibit "A" attached hereto, are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: Section 10.02, Use Variations, subparagraph C., of the DeKalb County Zoning Ordinance, Appendix A of the DeKalb County Code, is hereby replaced in its entirety with the following:

- C. The Hearing Officer shall hold a public hearing to hear an application for a use variation, as permitted above, and within a reasonable time after the close of such public hearing, the Hearing Officer shall make a written finding of fact and recommendation and shall submit the same to the Planning and Zoning Committee of the DeKalb County Board. In addition to considering the standards set forth in Section

10.1.1.C above in making such written findings of fact and recommendation, the Hearing Officer shall consider the following findings of fact:

1. The petitioner must have purchased the property prior to December 31, 1993, or acquired the property prior to October 20, 1976;
2. The petitioner must demonstrate that the property was buildable under the applicable zoning regulations at the time it was purchased.

The Hearing Officer shall also consider such factors as:

3. If the property was purchased after October 20, 1976, did the petitioner pay a premium price for the property because it was buildable (for example, substantially more than agricultural land was selling for at that time)? and
4. Whether the property is viable for agriculture or any other reasonable use.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 18TH DAY OF OCTOBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk



Planning/Zoning/Building Department

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
DeKalb County Planning Director

DATE: September 13, 2006

SUBJECT: Use Variation Regulations Zoning Text Amendments
Petition DC-06-14

The Planning, Zoning and Building Department staff, on behalf of the County Board, has filed a petition for Amendments to Section 10.02 of the DeKalb County Zoning Ordinance, regarding Use Variations. The proposed Amendment would add a criteria that makes property owners who acquired parcels of less than 40 acres in size prior to October 20, 1976, eligible for approval of a Use Variation. The Zoning Text Amendment application has been filed in accordance with the requirements of Section 10.04.C of the Zoning Ordinance.

The required public hearing for this Zoning Text Amendment was conducted by Hearing Officer Kevin Buick on September 7, 2006. Staff presented the petition and testified as to the rationale for adopting the proposed amendments, explaining that the Planning and Zoning Committee had determined that consideration should be given to expanding the conditions under which a property owner can qualify for a Use Variation. Specifically, the Committee wanted evaluation of a new criteria that would allow an owner who had acquired property, by whatever means, prior to October of 1976, to be eligible. This would be an alternative to the current regulations which require a property owner to have purchased the property prior to December of 1993 and to demonstrate that a premium price was paid for the parcel because it was buildable for a residence at the time it was purchased. Under the proposed regulations, a property owner who can prove ownership before 1976 would not need to show that the property was purchased. Two members of the public spoke in favor of the petition, and none in opposition.

The Hearing Officer has filed his report and findings, and recommends approval of the Text Amendments. The Planning and Zoning Committee is requested to review the petition, and the report and recommendation of the Hearing Officer, and forward an ordinance to the full County Board for action. The Committee may recommend approval, approval with changes, or denial of the request.

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STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2006-24

**AN ORDINANCE ADOPTING
THE GREENWAYS AND TRAILS PLAN
FOR DEKALB COUNTY**

WHEREAS, DeKalb County and the municipalities within it are experiencing increasing growth and development, with attendant pressures on the existing natural environment and consequent need for conservation and preservation of environmentally important, sensitive and critical areas, as well as the need to provide connected transportation networks not only for automobiles but for alternate means of transportation including pedestrian, bicycles, snowmobiles, horses and water-craft, in order to meet both recreational and economic needs; and

WHEREAS, DeKalb County recognizes that “greenways,” corridors of natural areas and open space, and trails are an important and effective means of providing both conservation of environmentally important and sensitive areas and of accommodating transportation networks for alternative modes of transportation, and further recognizes that trails for hiking, biking and other forms of recreation are important facilities to aid in the overall health and vitality of the citizens of the County; and

WHEREAS, opportunities and resources exist to establish a system of greenways and trails throughout DeKalb County, but these opportunities depend on a thorough inventory, comprehensive assessment, and clear vision and plan to identify important environmental areas, appropriate and needed corridors and trails, and the various means and methods of acquiring easements, rights-of-way, and financing for conservation efforts and for trail construction and maintenance; and

WHEREAS, the DeKalb County Greenways and Trails Coalition, in cooperation with the DeKalb County Forest Preserve District, has developed a draft Greenways and Trails Plan for DeKalb County which: inventories existing conditions within and throughout the County; coordinates with existing plans adopted by the County and municipalities; identifies viable and important greenways and other environmentally sensitive areas and assesses conservation and protection alternatives; recommends existing and potential appropriate trail locations, uses and options; identifies potential financing alternatives for construction and maintenance; and makes policy recommendations related to greenways and trails preservation and use; and

WHEREAS, further, the County recognizes that development of a connected system of greenways and trails to meet the above-identified needs depends on cooperation between the County and the municipalities within its borders, and between those municipalities, and to foster this cooperation it is important for the County to lead by adopting a plan for greenways and trails; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the draft Greenways and Trails Plan, the public participation and citizen involvement activities associated with the development of the draft Plan, and the policy implications for the County, and has forwarded to the DeKalb County Board a recommendation that the Plan be adopted as the DeKalb County Greenways and Trails Plan; and

WHEREAS, the County Board of DeKalb County, having considered the recommendations of the Planning and Zoning Committee and having reviewed the draft Greenways and Trails Plan, has determined that the Plan can serve as an important tool for assessing the need and appropriateness of greenways preservation and creation and trail location and construction as development occurs in the County, and therefore it is in the best interest of the citizens of the County to adopt the DeKalb County Greenways and Trails Plan, appended hereto as Exhibit "A";

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The findings above and the recommendation of the Planning and Zoning Committee are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: The DeKalb County Greenways and Trails Plan, Exhibit "A" appended hereto, is hereby adopted, effective as of the date of this Ordinance.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

ADOPTED BY THE COUNTY BOARD THIS 18TH DAY OF OCTOBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk



DeKalb County
Planning/Zoning/Building Department

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

MEMORANDUM

TO: Planning and Zoning Committee

FROM: Paul R. Miller, AICP
Planning Director

DATE: September 13, 2006

SUBJECT: DeKalb County Greenways and Trails Plan

The DeKalb County Greenways and Trails Coalition, in concert with the DeKalb County Forest Preserve District, has forwarded the DeKalb County Greenways and Trails Plan for consideration and adoption by the County Board. The Coalition is requesting that the County Board adopt the Plan as a policy document that can be used to help guide growth and development and identify areas within the County that are appropriate for conservation, for open space, for the creation and preservation of connected bicycle/pedestrian trails, and for active and passive recreational uses. The Plan makes recommendations on types of paths, locations of paths, and options for acquiring greenways and trail space. Maps contained in the Plan graphically depict existing and proposed trails, greenways, environmentally critical/sensitive areas, and public and private parks/open space. It is anticipated that, when adopted by the County Board, the Greenways and Trails Plan will help guide land use decisions. It would be consulted when development projects are proposed in the same way that the County Unified Comprehensive Plan is consulted. It is also the hope of the Coalition that the Greenways and Trails Plan will be adopted by the municipalities within the County. To that end, it is believed adoption by the County Board is an important first step.

The Coalition has already conducted a number of public sessions in the drafting of the Plan. No public hearing regarding the document is required. Committee members were provided copies of the Plan at the August 2006 Committee meeting. The Planning and Zoning Committee is requested to review the Plan and be prepared to discuss its recommendations and raise any pertinent questions or comments. The Greenways and Trails Coalition requests that the Committee forward the Plan to the full County Board for adoption.

cc: Julia Fauci
Terry Hannan, Superintendent of Forest Preserve District

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