

**PLANNING AND REGULATIONS COMMITTEE
MEETING MINUTES**

October 27, 2004

The Planning and Regulations Committee of the DeKalb County Board met on October 27, 2004 at 7:00 p.m. in the DeKalb County Administration Building; Conference Room East. In attendance were Committee Members Roger Steimel, Howard Lyle, Marlene Allen, Eileen Dubin, Vince Faivre, James MacMurdo, Steve Slack, Sally DeFauw and Pat Vary, and Staff members Paul Miller, Marcellus Anderson and Basia Kardaras. Audience members included: Orland McCarthy, Clem Stiely, Larry Engelsman, and Larry Anderson.

Mr. Steimel, Chairman of the Planning and Regulations Committee, called the meeting to order.

APPROVAL OF MINUTES

Mr. Faivre moved to approve the minutes for the September 22, 2004 meeting of the Planning and Regulations Committee, seconded by Mr. Lyle, and the motion carried unanimously.

APPROVAL OF AGENDA

Mrs. Vary moved to approve the agenda, seconded by Mr. MacMurdo, and the motion carried unanimously.

ZONING MAP AMENDMENT -- Request of Hemac Enterprises for rezoning of a 6.5-acre parcel located on the east side of Genoa Road in Kingston Township, from A-1, Agricultural District to M-1, Manufacturing District, Petition KI-04-26.

Hemac Enterprises, Inc., representing Orland McCarthy, the property owner, has filed an application for a Zoning Map Amendment for property located at 32570 Genoa Road in Kingston Township. The 6.5-acre property is currently zoned A-1, Agricultural District and contains American Cylinder Testing, Inc., a business that re-certifies industrial cylinders. The proposal is to rezone the entire property to the M-1, Manufacturing District to make the zoning consistent with the use and allow improvements to the property.

Mr. Miller explained that the subject property contains a 45,000 square foot building that has been used for manufacturing and other non-agricultural uses since its construction in 1955. The facility currently houses American Cylinder Testing Inc., and is owned primarily by Orland McCarthy. Mr. McCarthy would like to make improvements to the property, including installing a fence around an outdoor storage area and constructing a parking lot on the north end of the building. However, the property is zoned A-1. In order to bring the site into line with the Zoning Ordinance regulations, the request is to rezone it to the M-1 District.

The required public hearing was conducted on September 30, 2004 by DeKalb County Hearing Officer Ron Klein. At the hearing, the petitioner presented exhibits and testimony in support of the proposed zone change. Staff noted that if the zone change is approved, any of the permitted uses in the M-1 District could take place on the property by right, without oversight or approval by the County Board. Staff also pointed out that there is no adjacent M-1 zoning, and that the requested zone change would not be in compliance with the recommendations of the Unified Comprehensive Plan. One member of the public spoke in favor of the request, and two asked questions.

Mrs. Vary asked if there were another way of doing this, and mentioned the difficulty in ever returning this property back to A-1, Agricultural District, due to bad soil and location. Mrs. Vary's main concern was the possibility of future manufacturing uses taking place on the property, such as a distribution center, warehouse or storage facility. Mr. Miller said there was no better way of addressing the nonconforming use and allowing the improvements. He noted, however, that the changes being considered for the Zoning Ordinance might require any new use to go through a Special Use procedure if the current business were to cease. He would verify if this would be the case.

Mrs. Allen asked for clarification on if the tanks were hauled by one semi-trailer owned by American Cylinder Co, or if multiple second-party carriers were used. Mr. McCarthy stated that various second-party carriers are used. Mr. McCarthy also mentioned that each semi carries approximately 400 tanks, and two to three semi-trailers arrive on average per week.

Mr. MacMurdo mentioned the costs that would be involved in re-establishing the subject property back to the A-1 Agricultural District, and that there was no reasonable way to do so. However, he stated he was pleased to see improvements made to the property and would favor the petitioner's request.

Mr. Lyle also viewed the improvements of the property to be of benefit. He stated that he works for the City of Genoa, which uses American Cylinder Testing for its cylinder, but he stated that he does not feel this represents any conflict of interest for him as a County Board member who must vote on the rezoning request.

Mr. Lyle moved for approval, seconded by Mr. MacMurdo, and the motion carried unanimously.

Mrs. DeFauw asked Mr. Miller if he was aware of any wetlands south of the property that would be affected by manufacturing uses on the subject property. Mrs. DeFauw also inquired about the necessity of having 62 parking spaces, as proposed by the petitioner. Mr. Miller said that there was no regulatory floodplain on the property. He also did not have any knowledge of pollutants used that could cause any adverse effects. Mr. Miller also clarified that the 62 parking spaces would exceed the minimum number required by the Zoning Ordinance for this use, but that the petitioner was within its right to build that number.

Mr. Steimel explained that the motion for approval would go in front of the County Board on November 17, 2004.

SPECIAL USE PERMIT --Request of Stientunt Vineyards and Winery for approval of production and sale of wine on property located at 11582 Waterman Road in Clinton Township, Petition CL-04-27.

Mr. Miller began by reminding the Committee that on September 19, 2001 the County Board passed Ordinance 2001-18, which granted the petitioner a temporary Special Use Permit for the production and sale at retail of wine. The Permit was granted for a period of three years. Since then, the winery has been in operation, but the Permit expired on September 19, 2004. The petitioner is now asking for a permanent Special Use Permit in order to continue production and sale of wine on subject property. A public hearing was held on September 30, 2004 by Hearing Officer Kevin Buick. He recommended approval with conditions, including: limiting hours of operation for the winery to 12:00 p.m.-10:00 p.m., Monday through Sunday; a limit of not more than 50 people visiting the winery at any given time; and the submission of a signage plan and a revised site plan for compliance with sign and parking regulations set forth in the DeKalb County Zoning Ordinance.

Mr. Steimel and Mrs. Vary inquired about the conditions regarding signage. Mr. Miller explained that one sign in association to the Special Use Permit could be located off of Waterman Road, and that one could be on Miller Road. The maximum size of the signs could not exceed 32 square feet.

Mr. Faivre expressed a concern that the suggested limitation of 50 people visiting the winery at any one time would not allow one or two bus loads of people to visit. He felt that the use should be allowed to accommodate a tour of two bus loads, and that the number should be 100 visitors. Mr. Miller explained that the number 50 was selected by the petitioners.

Mr. Slack pointed out that, if the County did restrict the visitors to not more than 50, the petitioners could return in the future with a request to allow 100 visitors at a time.

Mr. Miller informed the Committee that it could, if it chose, recommend a maximum of 100 visitors. He added that the County might find it difficult to police any restriction on the number of people visiting the winery.

Mr. Slack made a motion to approve the Special Use Permit in accordance with the recommendation of the Hearing Officer, except that the number of visitors allowed at any given time could not exceed 100, seconded by Mr. MacMurdo, and the motion carried unanimously.

Mrs. Vary asked Mr. Engelsman if anything other than wine would be sold at the facility. Mr. Engelsman stated that only small specialty items such as wine preservers, balancers, and gift bags would be sold in addition to wine.

Mr. Steimel noted the issue would go in front of the County Board on November 17, 2004.

DISCUSSION ITEM - Possible revisions to the DeKalb County Zoning Ordinance.

Mr. Miller reminded the Committee that at its September 22, 2004 meeting, the Committee continued its review of possible changes to the DeKalb County Zoning Ordinance. The changes are being considered as part of the review to amend the Zoning Ordinance as necessary to better implement the recommendations of the DeKalb County Unified Comprehensive Plan, adopted in December of 2003. The Committee has been discussing the possible changes since May of 2004.

Mr. Miller then explained that staff had drafted one change to the regulations being reviewed by the Committee, related to what distinguishes a Major PUD from a Minor PUD. Rather than tying the distinction to lot size, staff is recommending that it be tied to number of uses; a minor PUD would involve one primary use on one lot, where a major PUD would be more than one primary use on a lot, or more than one lot.

Mr. Steimel asked Mr. Miller about the process in which the revisions to the Zoning Ordinance would be implemented, and the procedure used to inform the public of the revisions. Mr. Miller commented that it would be impossible to directly contact every property owner that might be affected by the proposed zoning changes. However, he said staff would send copies of the revised Ordinance to the municipalities, to the attorneys who represent zoning cases, and to organizations such as the Farm Bureau. A notice regarding the public hearing would be sent to the newspapers, per the normal procedure. Mr. Miller asked the Committee to authorize staff to proceed with the Zoning Text Amendment.

Mr. MacMurdo responded that he was concerned that a single public hearing would not be enough to inform property owners of the changes that are being proposed. Mr. Miller stated that the Hearing Officer has the option of continuing a public hearing if it appears people want or need more time, and further noted that the Committee could send the item back to the Hearing Officer to re-open the public hearing.

Mr. Faivre inquired whether the County could conduct some informational meetings for the public in advance of a public hearing. Mr. MacMurdo endorsed the idea. Further discussion resolved into a desire to have staff conduct three informational meetings, one in the south, one in the central, and one in the north parts of the County, that would give the public more opportunities to hear what changes are being proposed for the Zoning Ordinance. Discussion was also held about the best ways to advertise these meetings.

Mr. Miller suggested that the information meetings could be held in late November or early December, and that flyers announcing the meetings could be circulated. Staff would also try to prevail on the newspapers to get the word out.

Mrs. Vary made a motion to direct staff to set up and conduct three information meetings regarding the possible revisions to the DeKalb County Zoning Ordinance, seconded by Mrs. De Fauw, and it carried unanimously.

DISCUSSION ITEM -- Reschedule November and December P&R Committee meetings.

Mr. Miller asked Committee to review their calendars for November and December meetings, in order to avoid conflicts with the holidays.

Motion by Mr. Faivre to hold November's meeting on Monday, November 22, 2004, and December's meeting on Monday, December 20, 2004, seconded by Mrs. Vary, and the motion carried unanimously.

ADJOURNMENT - *Motion to adjourn by Mr. Lyle, seconded by Mrs. Allen, and the motion carried unanimously.*

Respectfully submitted,

**Roger Steimel, Chairman
Planning and Regulations Committee Chairman**

BK/bk