

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
February 23, 2005**

The Planning and Zoning Committee of the DeKalb County Board met on February 23, 2005 at 7:00 p.m. in the Gathertorium of the DeKalb County Legislative Building. In attendance were Committee Members Patricia Vary, Howard Lyle, Marlene Allen, Eileen Dubin, Vince Faivre, Steve Slack, and staff members Paul Miller and Cky Ready. Committee member Roger Steimel was absent.

Ms. Vary, Vice-Chairman of the Planning and Zoning Committee, called the meeting to order, and indicated all members were present except Mr. Steimel.

APPROVAL OF MINUTES

Mrs. Dubin moved to approve the minutes for the January 26, 2005 meeting of the Planning and Zoning Committee, seconded by Mr. Lyle, and the motion carried unanimously.

APPROVAL OF AGENDA

Ms. Vary suggested that the Aurora Sportsmen's Club Special Use Permit discussion be moved to the end of the agenda.

Mr. Lyle moved to approve the amended agenda, seconded by Mrs. Allen, and the motion carried unanimously.

USE VARIATION B Request of Howard and Tamara Newquist for approval of a house on 10 acres located at the southwest corner of Mowers and Malta Roads in South Grove Township, Petition SG-05-02

Mr. Miller stated that Howard and Tamara Newquist, the property owners, have filed a petition for a Use Variation for a vacant 9.84-acre parcel located at the southwest corner of Malta and Mowers Roads in South Grove Township. The petition is to allow the construction of one single-family detached dwelling on an agriculturally-zoned parcel of less than 40 acres in size. The subject property is zoned A-1, Agricultural District.

A public hearing on the requested Use Variation was held by DeKalb County Hearing Officer Kevin Buick on January 27, 2005. The petitioner presented evidence that the property pre-dated 1976 and that the price paid for the property at the time of purchase reflected the fact that it was a site where a house could be built. The attorney for the petitioner provided lengthy testimony to the effect that the necessary criteria for granting a Use Variation were met by the particulars of this case. No members of the public spoke in favor of or in opposition to the request.

The Hearing Officer has submitted his Findings and Recommendation and recommends approval of the request, with the condition that access to the property be permitted from Mowers Road only, and not from Malta Road.

Mr. Faivre noted that this appeared to be a clear case where the criteria for granting a Use Variation had been met. Ms. Vary agreed.

Mr. Faivre moved to grant the Use Variation, seconded by Mr. Slack. The motion carried with five "yes" and Mrs. Allen voting "no."

SPECIAL USE PERMIT B Request of Audrey Blanchard for approval of an "agribusiness" on property located at 15784 Rte. 72 in Genoa Township, Petition GE-05-03.

Mr. Miller stated that Audrey Blanchard, the property owner, has filed a petition for a Special Use Permit to allow a horse feed and western store on a 2.5 acre lot located at 15487 IL. Rt 72. The property is located on the north side of IL. Rt. 72, approximately 885 feet west of IL. Rt. 23, in Genoa Township. The parcel is zoned A-1, Agricultural District.

The required public hearing was conducted on February 3, 2005 by DeKalb County Hearing Officer Kevin Buick. The petitioners provided testimony and exhibits in support of the requested Special Use, including that the petitioner had operated the horse feed and western store in Kane County for many years. Documentation was provided to the effect that 60% of the sales from the store are in the form of feed and equipment for persons who own horses or other farm animals. The petitioner also addressed proposed hours and days of operation and numbers of employees. No members of the public spoke in favor of or in opposition to the request, but representatives from the City of Genoa noted that the City's comprehensive plan calls for commercial uses on this property.

The Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions. The Hearing Officer's conditions are (1) the Petitioner's Special Use conform to the proposed site plan as determined by Staff and (2) that the hours of operation be limited to Tuesday through Saturday, 8:00 a.m. to 8:00 p.m., and Sunday 12:00 p.m. to 6:00 p.m.

Ms. Vary inquired as to the number of employees, having noted that when the business was located in Kane County that there were three or four full time, and one or two part time employees. Bob Becker, attorney for the petitioner, informed the Committee that Mrs. Blanchard was in the process of phasing herself out of the business and that her son would be managing the operation with no more than two full time employees.

Ms. Vary asked if there were any problems with the parking on the subject property. Mr. Miller explained that there was adequate parking for customers, and a separate area for employees to use for parking. The number of spaces required would be based on the square footage of the shop and the number of employees.

Mr. Faivre asked why the County was putting itself in the position of limiting hours of operation for a business. Mr. Miller explained the Hearing Officer's rationale for taking hours of operation into consideration, and noted that the petitioner had volunteered the hours of operation and the Hearing Officer simply noted those hours.

Mrs. Dubin inquired about traffic concerns associated to the site. Mr. Miller referred to a letter from the Illinois Department of Transportation, dated January 18, 2005. The letter contains two comments (1) that DeKalb County maintain its setback requirements, and (2) that the Petitioner be aware that any encroachment upon State right-of-way is illegal without approval or proper permits.

Mr. Faivre indicated that he would be in favor of the petition without the condition that would require the business to remain closed on Monday.

Mr. Faivre moved to approve the Special Use Permit, seconded by Mr. Lyle, and the motion carried unanimously.

SPECIAL USE PERMIT B Aurora Sportsmen's Club for approval of a gun club and RV camp on 753-acres located southwest of the Village of Waterman in Clinton Township, Petition CL-05-01.

Mr. Miller stated that The Aurora Sportsmen's Club has filed an application for a Special Use Permit and three Variations to accommodate a gun club and recreational camp, in accordance with the requirements of Sections 9.01.B.2 and 10.01.B. of the DeKalb County Zoning Ordinance. The petitioner owns or has contracts to purchase land that totals 753 acres, located southwest of the Village of Waterman. Most of the proposed activities would take place on 108 acres located on the north and south side of Rueff Road, west of Waterman Road, and on an 80-acre parcel located at the southeast corner of Leland and Preserve Roads. The subject properties are zoned A-1, Agricultural District.

The required public hearing was conducted on January 13, 2005 by DeKalb County Hearing Officer Dave Dockus. The public hearing was attended by approximately 200 persons. Several members of the public asked questions, including hours of operation, lighting, noise, traffic, affect on adjacent agricultural uses (a nearby turkey farm), and numbers of club members. Several members of the public spoke in favor of the request, including representatives of the Village of Waterman.

The Hearing Officer has submitted his findings and recommendation. He has approved the requested Variations, but conditioned each approval on the Special Use Permit being granted by the County Board. The Hearing Officer recommends approval of the Special Use Permit with conditions, set forth in the Hearing Officer's report. Additionally, staff recommended that any approval of the Special Use Permit be conditioned upon the project being constructed in substantial conformance with the plans and documents submitted by the

petitioner as part of the application. Such plans and documents not only relate to the proposed layout of the gun club and recreational camp, but also to hours of operation, types of activities, restrictions on the use of the RV camp, details on lighting, signage and architecture, and phasing of the project.

Mr. Slack asked if Mr. Klopfenstein was in the audience, and if he had discussed an agreement with Aurora Sportsmen's Club. Mr. Klopfenstein, manager of the Ho-Ka Turkey Farm, stated that he had spoken with Mr. Volpe (General Manager of Aurora Sportsmen's Club) and that an agreement would be reached before construction began on the adjoining 80-acre parcel in order to avoid any negative impacts on the turkey farm. Mr. Slack stated that he would rather see the two parties work it out with a "gentleman's agreement" and not add a condition to the Special Use Permit. Mr. Miller indicated that staff could draft language that would make it clear that the two parties should negotiate. Mr. Slack asked Mr. Volpe if that would be agreeable with Aurora Sportsmen's Club. Mr. Volpe indicated that the concept was agreeable as long as it was specific to the 80-acre parcel in question.

Mrs. Dubin asked if there had been any changes to the hours of operation. Mr. Miller stated that there was a concern raised by the Hearing Officer, but that no changes had been made.

Mr. Lyle asked if the gun club was going to be open seven days a week. Mr. Miller explained that the gun club would be open seven days a week, but that shooting at night would not be taking place seven nights a week. Mr. Lyle stated that he would like to see the 11:00 p.m. time changed to 10:00 p.m.

Mr. Wilson, President of the Aurora Sportsmen's Club, stated that because it was a recreational club, and members would be utilizing the club on time off and weekends, that was the reasoning behind the 11:00 p.m. shooting time. He stated that the rifle and pistol ranges would not be lit and shooting on those ranges would be limited to daylight hours.

Mr. Faivre stated that one of the concerns of the neighbors was traffic. He inquired into some discrepancies between testimony given at the public hearing and records from traffic studies. Mr. Volpe clarified that traffic counts at the current gun club are 30 to 40 vehicles Monday through Friday, but that on days when an event is scheduled 100 vehicles is pretty standard. Mr. Volpe explained that events are planned over the entire day and that the shooters trickle in for their shooting times and leave. He stated that this was not like a baseball game where everyone would be leaving all at once.

Ms. Vary asked if it would endanger the project if they were required not to shoot past 10:00 p.m. Mr. Volpe explained that it would not endanger the project but that the Aurora Sportsmen's Club would like to readjust the shooting hours on other days of the week to try to recoup the time lost.

A discussion between the members of the Planning and Zoning Committee and various members of the Aurora Sportsmen's Club took place and an agreement was reached to the effect that the gun club would be allowed to shoot until 9:30 p.m. Monday through Thursday night, and until 10:00 p.m. on Friday and Saturday.

Ms. Vary asked if the traffic increase on Rueff Road would require the road to be paved. Mr. Volpe stated that the Aurora Sportsmen's Club had been in contact with the Road Commissioner of Clinton Township and that they had agreed to cooperate on road improvements when necessary. They had also come to an agreement for the proposed deceleration lane. Mr. Volpe stated at this time the only traffic on Rueff Road was the mailman and an occasional piece of farm equipment. Mr. Volpe also stated that a posted speed limit would help to maintain the road and asked if that was something the P&Z Committee could help with. Ms. Vary indicated that posting a speed limit was not within the power of the P&Z Committee.

Mr. Faivre had concerns about traffic at Leland Road and the railroad tracks. He inquired if that issue had been looked at as part of the traffic study. Mr. Volpe stated that Leland Road would not be the primary entry route used by the members. Mr. Wilson indicated that the majority of the members would be arriving at the 80-acre parcel from the west.

Mr. Faivre indicated that the guidelines of the Aurora Sportsmen's Club currently did not allow alcohol on the premises but was curious to know about enforcing a no drinking policy after the Special Use Permit was issued, in the event that the gun club changed their rules on alcohol. Mr. Miller explained that the Planning & Zoning Committee could make the no alcohol policy a condition of approval, or simply require that the club abide by its by-laws, which currently prohibit alcohol.

Ms. Vary was concerned that the area the gun club wanted to utilize an area slated for future residential growth by the Village of Waterman. Mr. Miller stated that the Village was in favor of the gun club in the proposed location, and that Waterman was in the process of reworking its comprehensive plan to accommodate the club and other future growth.

Mrs. Dubin asked if the turkey farm issue could be worked out before the next County Board meeting. Mr. Volpe indicated that any construction or utilization of that 80-acre parcel was in the long range planning stages and that before any construction or utilization of that parcel began an agreement would be reached with Mr. Klopfenstein. Mr. Volpe stated that the Aurora Sportsmen's Club did not want to be restricted to current sound technology when by the time they intended to utilize that parcel new sound technology could be available to them. Mr. Volpe indicated that the Aurora Sportsmen's Club wanted to leave the agreement open-ended at this time.

Ms. Vary noted that the Soil and Water Conservation Study showed 37% of the soils on the

site to be hydric soils. She stated that hydric soils were not good for septic systems and asked how this issue had been addressed. Mr. Shoppe, site planner for the project, explained that the hydric soils on the site have been located and that the septic systems designed for the site were out of the hydric soils. He explained that the Aurora Sportsmen's Club had consulted with the Health Department and that the plans for the septic service had been approved.

Ms. Vary asked about hunting on the property. Mr. Volpe stated that the gun club had no intentions of hunting stocked game, because of the proximity to homes in the area. Mr. Volpe also mentioned that the hunting of "naturally occurring" species was regulated by the Illinois Department of Natural Resources and is a legal activity. Mr. Miller pointed out that a "hunting preserve" is a permitted use in the A-1, Agricultural District.

Mr. Faivre applauded the Aurora Sportsmen's Club for the work they had proposed in their "lead reclamation" program. He asked if hunting were to take place on the site what safety measures would be in place. Mr. Volpe indicated that if any controlled hunts were to take place on the site that the Aurora Sportsmen's Club would have Marshall's in the field to make sure that no members got too close to a road or a home site. Mr. Volpe assured the Committee that the Aurora Sportsmen's Club always goes one step beyond what is required in the name of safety just to be sure no accidents will happen.

Mr. Volpe indicated that the Aurora Sportsmen's Club would like to allow it's members to use the camping and RV facilities at anytime, and restrict the public to only using the camping and RV facilities during an "event". He pointed out that the wording in the recommendations from the Hearing Officer seemed to limit all camping and RV usage to "events". Ms. Vary suggested changing the wording to say "the public". Mr. Faivre suggested simply striking the first sentence of the condition suggested by the Hearing Officer. Ms. Vary asked if the RV area was to be open to the public at times, as well as to members all the time. Mr. Volpe stated that was the desire of the members.

Mr. Slack moved approve the Special Use Permit with conditions, seconded by Mrs. Dubin, and the motion carried unanimously.

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

Respectfully submitted,

Pat Vary, Vice-Chairman

Planning and Regulations Committee Chairman

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