

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
June 22, 2005**

The Planning and Zoning Committee of the DeKalb County Board met on June 22, 2005 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Patricia Vary, Marlene Allen, Eileen Dubin, Howard Lyle and Vince Faivre, and staff members Paul Miller and Cky Ready. Audience members included: Marie and Norbert Leffelman, Greg and Elizabeth Gavin, and Richard Schmack.

Ms. Vary, Committee Vice-Chairman, called the meeting to order. She noted that Committee members Roger Steimel and Steve Slack were absent.

APPROVAL OF MINUTES

Mrs. Dubin moved to approve the minutes of the May 25, 2005 meeting of the Planning and Zoning Committee, seconded by Mr. Lyle, and the motion carried unanimously.

APPROVAL OF AGENDA

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

STORMWATER REGULATIONS AMENDMENTS -- Proposal to amend provisions of the County stormwater management regulations to integrate elements of the Model Stormwater Management Ordinance

Mr. Miller stated that at its May 25, 2005 meeting, the Planning and Zoning Committee considered the proposal to update the County's stormwater management regulations to bring them in line with a Model Stormwater Management Ordinance. The model ordinance was prepared at the request of DeKalb County and the cities of DeKalb, Sycamore and Sandwich. The intent was to establish a uniform set of regulations and design criteria applicable to new developments so that the treatment of stormwater runoff would be consistent in each of the autonomous jurisdictions. The Committee had directed staff to prepare a draft of an amended set of regulations that integrate the applicable portions of the model ordinance, along with identification of what provisions of the County Code would need to be amended to accommodate the changes. Mr. Miller explained that the draft regulations were in the Committee's information. He also stated that staff had investigated the possible influence of a piece of pending legislation in the State capital that has potential bearing on the ability of counties to regulate stormwater management. Staff consulted with the State's Attorney's office and concluded that the legislation would likely only legitimize what the County already does.

Mr. Faivre stated that it was his understanding that farmland and farm buildings would be exempt from stormwater management regulations. Mr. Miller indicated that is correct; the current regulations exempt typical farming activities, with the only exceptions being

for the construction of buildings or mass excavation within 100 feet of a floodplain. In that case they would not nor are they now exempt. Mr. Faivre also indicated that if a committee were to be assembled to draft a county-wide stormwater ordinance, in accordance with the provisions of the pending legislation, that committee's authority would not supercede any authority currently held by the drainage districts. Mr. Miller indicated that DeKalb County Planning, Zoning & Building Department has never had any conflicts with area Drainage Districts over current stormwater management permits, nor does Mr. Miller anticipate that there would be any created by the current proposed stormwater regulations.

Mrs. Dubin asked if anything in the proposed stormwater regulations give the Planning Director or the Planning and Zoning Committee any more authority than they currently have. Mr. Miller indicated that the proposed changes do not give any more authority to the Planning Director or the Planning and Zoning Committee.

Mr. Faivre asked if the cost to fund this program laid out by the pending legislation in Springfield would go through referendum. Mr. Miller indicated that the only thing that would have to go through referendum was if the County Board wanted to finance the actual construction of stormwater management facilities such as dams, channel realignment projects, or major stormwater retention or detention facilities, etc.. Mr. Miller stated that unless the County decided to implement a project there would be no need for a referendum to tax.

Mr. Faivre asked what would be the cost to implement the proposed stormwater regulations. Mr. Miller indicated that there would be no additional costs to adopt the amended stormwater regulations.

Mr. Faivre moved to approve the amended Site Development Permit regulations, Chapter 30, Article 1 of the DeKalb County Code, seconded by Mrs. Allen, and the motion carried unanimously.

L.E.S.A. AMENDMENT -- Proposal to amend the Land Evaluation portion of the L.E.S.A. program

Mr. Miller stated that at its May 25, 2005 meeting, the Planning and Zoning Committee discussed a possible update to the County's Land Evaluation Site Assessment (L.E.S.A.) System. This system is used by the Soil and Water Conservation District and the Planning, Zoning and Building Department every time there is a development proposal to evaluate whether the subject property should instead be preserved for agricultural use. The proposed update relates to the Land Evaluation element of the system, which rates the various soils throughout the County and evaluates the specific soils on a given property in terms of viability for agriculture. New soils classifications have now been forwarded by the DeKalb County Soil and Water Conservation District and recommended for approval. The Committee is requested to forward a recommendation to

the full County Board to adopt the update. If the County Board approves the revision by ordinance, a copy would then be forwarded to the State Conservationist for approval.

A discussion took place about the definition and clarification of terms used in the L.E.S.A. documentation.

Mr. Faivre indicated that he was not so much concerned with the L.E. (land evaluation) portion of the L.E.S.A. as he was about the S.A. (site assessment) portion of it. Mr. Miller stated that the S.A. part of L.E.S.A. had been updated in 2000, and proceeded to point out several of the changes that were made at that time. Mr. Miller also pointed out the L.E.S.A. system is subject to State review and approval. The S.A. portion that was changed in 2000 had to go to the State Conservation Service and be reviewed and approved. No changes to the S.A. portion are proposed at this time. Mr. Miller also noted that the L.E.S.A. evaluation, while important, is only one tool used in the evaluation process. Whenever a land use decision is looked at, factors such as the recommendation of the Comprehensive Plan, the policy and precedent that would be set by a land use decision, if approved, as well as the L.E.S.A. assessment, are taken into consideration.

Mrs. Dubin moved to approve the update to the Land Evaluation portion of the County L.E.S.A. system, seconded by Mr Lyle, and the motion carried unanimously.

SPECIAL USE PERMIT -- Request of Gregory and Elizabeth Gavin for approval of an auction business in and around buildings formerly used for agriculture on property located on the south side of Chicago Road in Sandwich Township, Petition SA-05-07.

Gregory and Elizabeth Gavin have filed a petition for approval of a Special Use Permit to allow the operation of an auction business on property located at 16746 Chicago Road in Sandwich Township. The auctions would take place around existing agricultural buildings that are no longer used for agriculture, and associated parking would take place on the subject property and on a portion of the adjacent farm. The property is located approximately 0.7 miles west of East Sandwich Road, and is zoned A-1, Agricultural District.

Mr. Miller explained that the required public hearing was conducted on May 19, 2005 by DeKalb County Hearing Officer Ron Klein. The petitioners provided testimony and exhibits in support of the requested Special Use, including that the petitioners have conducted auctions on the property for the past several years, and no complaints about the operation have been received except when parking has occurred on the Chicago Road right-of-way. The petitioners also indicated they would like to be able to conduct up to 16 auctions per year, and provided evidence that the owner of the adjoining property has given them approval to use seven acres for parking purposes. One member of the public spoke in favor of the request and none in opposition, and a letter from the City of Sandwich was received indicating support for the petition. The County Engineer and

Planning Director highlighted the importance of restricting parking associated with the auctions to private property, and not on the public right-of-way. The Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions, including:

1. That the goods sold at the auctions be owned by the Petitioner;
2. That the hours of the auction be from 6:30 A.M. to 8:00 P.M. on either a Saturday or Sunday, and that there be no more than sixteen (16) auctions per year;
3. That there be no permanent signs for the auction; and
4. That the only food sold on the premises be from a portable food stand, and that there be no permanent food serving facilities on the property.

Mr. Miller added that the petitioner has asked that the Committee consider allowing a permanent sign for the auction business, and that the petitioners be allowed to pass the auction business to their sons without having to revisit the Special Use process. Mr. Miller indicated that both of these requests are minor amendments to the conditions recommended by the Hearing Officer.

Mr. Lyle indicated that he did not see a problem with granting the auction business a sign.

Mrs. Allen pointed out that if Mr. Gavin passed the business on to his children, no Special Use proceeding would be necessary, but in the event his children sell the business the new owners the new owners would be required to reapply for a Special Use Permit.

Mr. Faivre asked if any type of traffic control by the Sheriff's Department had ever been required. Mr. Gavin indicated that they had never required traffic control by the Sheriff's Department.

Ms. Vary inquired about the size of the parking area. Mr. Miller indicated that the total property to be used by the Gavin's was seven acres.

Mrs. Allen moved to approve the Special Use, including allowing a sign and the ability to pass the business along to the children, seconded by Mr. Lyle, and the motion carried unanimously.

USE VARIATION -- Request of Norbert and Marie Leffleman for approval of a house on 0.75 acres located on the north side of Harter Road in Pierce Township, Petition PI-05-09

Norbert and Marie Leffelman, the property owners, have filed a petition for a Use Variance for a vacant 0.75-acre parcel located on the north side of Harter Road, approximately 565 feet west of East County Line Road, in Pierce 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.

Mr. Miller explained that the public hearing on the requested Use Variance was held by DeKalb County Hearing Officer Ron Klein on June 9, 2005. The petitioner's presented

evidence that the property pre-dated 1976 and that the subject property was one of several 3/4-acre lots on the north side of Harter Road, most of which have been developed with houses. 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.

Mr. Faivre stated that this was an issue that had been addressed many times and when the petitioners meet all the criteria set forth in the County Zoning Ordinance it is only fair to approve the Variation.

Ms. Vary stated that the petitioners met all the requirements except for the hardship requirement.

Mrs. Dubin inquired as to the location of the septic system. Mr. Miller stated that the septic system would be subject to approval by the County Health Department.

Mr. Faivre moved to approve the Variation, seconded by Mrs. Dubin, and the motion carried unanimously.

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

Respectfully submitted,

Pat Vary, Vice-Chairman
Planning and Regulations Committee Chairman

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