

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
September 28, 2005**

The Planning and Zoning Committee of the DeKalb County Board met on September 28, 2005 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Roger Steimel, Marlene Allen, Patricia Vary, Vince Faivre, Howard Lyle and Steve Slack, and staff members Paul Miller, Derek Hiland and Ray Bockman. Audience members included Greg Millburg, Gerald Busse, Joel Baker, Gary Pettee, and Linda Bridger.

Mr. Steimel, Committee Chairman, called the meeting to order. He noted that Committee member Eileen Dubin was absent.

APPROVAL OF MINUTES

Mr. Lyle moved to approve the minutes of the August 24, 2005 meeting of the Planning and Zoning Committee, seconded by Mrs. Allen, and the motion carried unanimously.

APPROVAL OF AGENDA

Ms. Vary moved to approve the agenda, seconded by Mr. Slack, and the motion carried unanimously.

SPECIAL USE PERMIT -- Request of Genoa Township Cemeteries for a new cemetery on a 12-acre property located at the northwest corner of North State Road and Jefferson Road in Genoa Township., Petition GE-05-1312

Mr. Miller explained that Genoa Township Cemeteries has filed an application for a Special Use Permit to allow the construction and operation of a cemetery on a 12.84-acre property located at the northwest corner of North State Road and Jefferson Road in Genoa Township. The subject property is zoned A-1, Agricultural District. The property was originally 15-acres in size, but a 2.5-acre parcel containing an existing residence, 34051 N. State Road, was divided off. The Township is proposing to develop the cemetery in phases, leaving the balance of the land in agricultural use. The required public hearing was held on August 25, 2005 by DeKalb County Hearing Officer Kevin Buick. Representatives for the petitioner provided evidence, testimony and exhibits for the proposed cemetery development. The County Engineer provided a note that indicated a need for an access permit and requirements for a traffic control plan. No members of the public spoke in opposition or in favor to the request. The Hearing Officer has submitted his findings and recommends approval of the Special Use Permit with conditions.

Ms. Vary asked whether or not interior roads of the cemetery need to be widened per staff's suggestion to accommodate parking within the cemetery. Mr. Miller stated that the decision had been made that there would be adequate space for vehicles within the paved drives as proposed. Further, the Township would be required to dedicate right-of-way for its frontage on Jefferson Road. Ms. Vary asked Mr. Miller to describe what the criteria for Special Uses in the A-1 District that

requires they be “near agricultural services” means. Mr. Miller stated that, in general, non-agricultural special uses are encouraged to be clustered together to minimize the intrusion on row-crop uses. However, a cemetery would be non-intrusive in comparison to other special uses that are possible in the A-1 District. Mr. Miller re-iterated the conditions of approval that had been discussed, which included:

1. Construction and operation of the cemetery shall be in substantial accordance with the plans, submitted with the application;
2. That landscaping in the initial phase of the development include, at a minimum, street trees located along North State and Jefferson Road in the form of deciduous trees, hardwood trees, three inches in caliber in minimum, installed 35 feet on center;
3. Deification of appropriate right-of-way along Jefferson Road measured 33 feet to the centerline of the road.

Following further discussion, Ms. Vary moved to approve the Special Use with conditions, seconded by Mr. Lyle, and the motion carried unanimously.

SPECIAL USE PERMIT -- Request of Joel Baker for approval of a home-based service business on property located at 10044 Perry Road in Afton Township, Petition AF-05-14

Mr. Miller explained that Joel Baker, the property owner, has filed a petition for a Special Use Permit to allow a home occupation business on property located at 10044 Perry Road in Afton Township. The 0.8-acre parcel is located approximately 120 feet east of the intersection of Perry Road and State Rte. 23. The property is zoned PD-R, Planned Development - Residential District. The proposed home occupation, DeKalb Saw and Tool, is a saw-blade sharpening business. The required public hearing was conducted on August 25, 2005 by DeKalb County Hearing Officer Kevin Buick. The petitioner provided evidence, testimony and exhibits for the proposed home-based business. Mr. Baker explained that he used to operate from a store in the City of DeKalb, but relocated to Perry Road about a year ago. The business operates out of the attached garage, which is only 500 square feet in area. He explained that most of his business is done by him visiting customers, rather than the other way around, so there are rarely customers coming to the house. However, the sharpening of blades takes place at his residence. He further testified that there is no loud noise, lights, fumes or odors associated with the business. One member of the public, the adjoining property owner to the west, spoke in opposition to the request. The Hearing Officer has submitted his Findings of Fact and recommends that the Special Use Permit be approved, with conditions. The listed conditions are those that are contained in the Zoning Ordinance and are applicable to home occupation uses.

Mr. Steimel asked what efforts were taken in regards to noise dampening to insure that noise is not an issue with the neighboring households. Mr. Baker stated that he has erected a fence and

purchased noise buffering equipment and tools to decrease the amount of noise that could potentially originate from the home operated business.

Following further discussion, Mr. Faivre moved to approve the Special Use with conditions, seconded by Ms. Vary, and the motion carried unanimously.

At this time, Eileen Dubin joined the meeting.

Final Plat – Request of Gary Pettee for approval of the Final Plat of Subdivision for Aero Lake Estates Unit 3, located on the west side of Lincoln Road in Genoa Township.

Mr. Miller explained that Mr. Pettee is requesting Final Plat approval for the third phase of the Aero-Lake Subdivision. The subject property is zoned PD-R, Planned Development Residential. This classification was applied to the property as part of the 1991 Comprehensive Plan and Zoning Ordinance. The property was previously zoned E-2, Estate Residence. Section 8.05.C of the current Zoning Ordinance stipulates that the property is now subject to the use and bulk regulations of the RC-2, Residential Conservation District. The proposed lots will each exceed the minimum ½-acre 100-foot lot width requirements.

Mr. Miller explained that there is a long history associated with the development of this subdivision, dating back to the early 1970's. This history includes a court order related to Aero-Lake Estates, whereby the court ordered the County to allow the development. Consequently, the normal review and approval process for subdivisions cannot apply, since the County Board does not have the option of denying the third phase of the development. Mr. Miller added that staff has discussed the matter with the State's Attorney and concluded that, as long as the subdivision is held to the other applicable standards of the Zoning Ordinance and Subdivision Regulations, and because approval is not in doubt due to the court order, there would be nothing to gain by requiring the developer to go through a County Board approval process. Therefore, in accordance with the procedures set forth in Section 4.07 of the Zoning Ordinance, approval of the Final Plat for Unit 3 should be by the Planning and Zoning Committee only, and should not entail a public hearing. The Committee is asked to only determine whether or not the Final Plat is in substantial accordance with the Preliminary Plat.

Mr. Miller indicated that the only issue of significance is that the property on the south side of the proposed cul-de-sac, which is owned by a church, is shown to be divided into three lots. The Preliminary Plat showed only two lots. Staff maintains that three lots is not in accordance with the approved Preliminary Plat, and the Final Plat should be revised accordingly. Mr. Miller explained that there are some other, technical details related to the Final Plat that must take place before it can be signed by the Plat Officer. These items have been conveyed to the petitioner.

Ms. Vary inquired whether or not this subdivision met the requirements and recommendations of the Soil and Water District in respect to drainage. Mr. Miller assured the Committee that final approval takes into consideration any all applicable requirements for subdivision approval, and that even

though this is a unique situation, drainage has been addressed.

Mr. Steimel inquired whether or not the church's Special Use Permit for the property on the south side of the new cul-de-sac was expired, and whether or not the church would have to reapply for a new permit. Mr. Miller confirmed that the Special Use Permit had expired because the church failed to commence construction or operation within a year. The church will be required to go through a new Special Use review and approval process in order to construct.

Mr. Pettee responded to the issue of how many lots will be on the south side of the cul-de-sac by providing the Committee with a sketch showing that one of the two residential lots would be eliminated. Mr. Miller agreed that some reconfiguration of the two lots would be allowed, and that elimination of one of the three shown on the draft Final Plat would resolve the problem. The final version of the Final Plat must have this and the other technical issues addressed, as well as all required signatures and payments to the school district and Forest Preserve District paid, prior to a signature on the Plat by the Plat Officer.

Following further discussion, Ms. Vary moved to approve the Final Plat, with the condition that there be only two lots on the south side of the new cul-de-sac by combining Lot 22 with Lot 24, seconded by Mrs. Allen, and the motion carried unanimously.

Discussion Item – Zoning Ordinance test amendment regarding regulation for the placement of accessory buildings.

Mr. Miller introduced a possible need for a text amendment to the Zoning Ordinance by explaining that, when a new Ordinance is adopted, there are inevitably things that come to light that need to be tweaked and changed. One of these issues has emerged related to accessory buildings and the definition of yards and minimum setback requirements. Generally, accessory buildings are required to be located in the rear yard. This was clear under the previous Zoning Ordinance, which defined the rear yard as everything behind the house. But the new Ordinance defines the rear yard as the minimum required building setback. This can have the effect now of requiring a shed to be located in the last 20 feet of a 300-foot-long lot, well away from the house.

For this reason, staff is recommending that the Committee direct staff, on behalf of the County Board, to file a Text Amendment. The draft language was supplied to the Committee, and Mr. Miller explained that the amendment would revise the regulations for accessory buildings so that the original intent is preserved despite the changes to the definitions of yards.

Mr. Steimel inquired whether or not a text amendment needed a public hearing. Mr. Miller confirmed that a hearing is required.

Following further discussion, Ms. Allen moved to direct staff to file a Zoning Ordinance Text Amendment, seconded by Ms. Vary, and the motion carried unanimously.

Executive Session – Personnel

Mr. Faivre moved that the Committee go into executive session to discuss personnel, seconded by Mr. Lyle, and the motion carried unanimously.

Ms. Vary moved to leave executive session, seconded by Ms. Dubin, and the motion carried unanimously.

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

Respectfully submitted,

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

DMH:dmh

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