

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
August 23, 2006**

The Planning and Zoning Committee of the DeKalb County Board met on August 23, 2006 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, Vince Faivre, Steve Slack, Pat Vary and staff members Paul Miller and Derek Hiland. Audience members included the Director of the Forest Preserve Terry Hannan, Lynn Schmitz, Mark Yaeger, Steve Kuhn, Larry Breeden, Dave G'Fellers, Greg Millburg and County Board Member Julia Fauci.

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted that all members from the Committee were present except for Eileen Dubin and Howard Lyle.

APPROVAL OF AGENDA

Mr. Steimel added the DeKalb County Greenways and Trails Plan to the agenda as Item 4a.

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

APPROVAL OF MINUTES

Ms. Vary moved to approve the minutes of the July 26, 2006 meeting of the Planning and Zoning Committee, seconded by Mrs. Allen, and the motion carried unanimously.

DEKALB COUNTY GREENWAYS AND TRAILS PLAN

Mr. Steimel asked County Board Member Julia Fauci to explain the plan before the committee. Ms. Fauci stated that the DeKalb County Forest Preserve had applied for and received a grant from the Illinois Department of Natural Resources in the amount of \$20,000 to hire a planner to analyze the County's trails and bikeways. The Greenways and Trails Plan is the result of that grant, and deals primarily with identifying opportunities for hike and bike paths and trails connecting cities and towns to each other, to parks and Forest Preserves within the County, and to existing trails in surrounding counties. Ms. Fauci stated that the draft Greenways and Trails Plan is a cooperative venture between the Park Districts, Illinois Department of Natural Resources, the Forest Preserve District and the municipalities. She stated that the Plan is now ready for consideration and adoption by the County Board. The goal is to have the Board adopt the Plan, and eventually the municipalities as well, such that it will be a factor to be considered as the County grows and develops. The Greenways and Trails Plan will work as an advisory document, in the same way as the County's Unified Comprehensive Plan.

Ms. Vary asked how does this plan differ from the trails plan already incorporated into the Comprehensive Plan? Mr. Miller stated that there are a numerous similarities between the two, but that the Greenways and Trails Plan is more specific in identifying locations where hike and bike

trails and paths, as well as greenbelts, can be accommodated and where they are needed.

Mrs. Dubin joined the meeting.

Mr. Faivre asked if the Greenways and Trails Plan, if adopted, would require developers to abide by it? Mr. Miller responded that the Plan, like the Comprehensive Plan, would be advisory only, representing policy not regulation.

The Committee concluded by agreeing that the draft DeKalb County Greenways and Trails Plan should be placed as an agenda item for its September 27, 2006 meeting.

ZONING TEXT AMENDMENT-- Petition to amend the Sign Regulations of the DeKalb County Zoning Ordinance to correct an inconsistency and to allow commercial uses in agricultural districts to have two signs, Petition DC-06-11

Mr. Miller stated that staff had filed a Zoning Text Amendment on behalf of the Planning and Zoning Committee related to changes to the Sign Regulations in the Zoning Ordinance. The first amendment is intended to clear up an existing inconsistency in the regulations as to whether signs are regulated on a district-by-district or a lot-by-lot basis. The Amendment makes it clear that signs are regulated on a zoning district basis, since that is the approach of most of the regulations and also has been the policy and interpretation of staff in the past. The proposal would amend three sections of Article 7, Sections 7.07, 7.08 and 7.09, to change the language from referring to "lots" that are primarily used for agriculture, residences or commercial/manufacturing, to referring to lots that are within agricultural, residential or commercial/manufacturing zoning districts. The second proposal would amend Section 7.07.A.3 to make it clear that commercial uses regulated by special use permit in an agricultural zoning district may have two primary signs, rather than one as is currently permitted. This amendment recognizes the legitimate concern of commercial uses to be able not only to identify the business but to advertise to customers as well. Mr. Miller explained that the required public hearing for this Zoning Text Amendment was conducted by Hearing Officer Ron Klein on August 3, 2006. No members of the public attended the hearing. The Hearing Officer has filed his report and findings, and recommends approval of the Text Amendments.

Mr. Faivre asked if the new language related to commercial uses in agricultural districts would permit a maximum area of 32 square feet for both signs combined, or per sign? Mr. Miller stated that regulations would allow for each sign to be 32 square feet in area.

Mr. Faivre moved to approve the Zoning Text Amendments related to the Sign Regulations, seconded by Mrs. Dubin, and the motion carried unanimously.

SPECIAL USE PERMIT -- Request of Christ Community Church, to be located on the west side of North First Street, north of Rich Road in Mayfield Township, for extension of the one-year deadline to begin substantial construction, and for permission to have a temporary sign on site for a period exceeding 30 days

Mr. Miller stated that the County Board passed Ordinance 2005-19 on September 21, 2005, which granted a Special Use Permit to Christ Community Church on property located on the west side of North First Street in Mayfield Township. Section 9.02.B.8. of the County Zoning Ordinance requires that substantial construction shall commence within one year of the effective date of the permit, after which time the Permit shall terminate. However, the regulation allows that the time period may be extended through appeal to and approval by the Committee.

Larry Breeden, Pastor, explained that the Church is requesting an extension of the deadline to begin substantial construction because the subject property is still under a crop. The Church had negotiated with the tenant farmer that he would be allowed to bring the crop in prior to the commencement of grading activities, and the time when the crop will be harvested is not certain, hence the need for the extension. Mr. Miller stated that the Planning and Zoning Committee is requested to consider the request for an extension, and may approve or deny the request by a simple majority vote. A specific date by which substantial construction of the church shall commence should be included in the motion.

Mrs. Allen moved to approve a one-year extension to begin substantial construction on the Christ Community Church project, seconded by Ms. Vary, and the motion carried unanimously.

Christ Community Church also requested that the Planning and Zoning Committee allow a temporary sign announcing "future home" to be in place on the subject property for more than the maximum 30 days provided in Section 7.10.B. of the Zoning Ordinance. Mr. Miller explained that the Sign Regulations do not have a provision to allow such signs for construction projects other than commercial or residential. The regulations related to temporary signs are clearly intended more for short-term events such as business sales. However, the Committee is permitted to grant approval for a temporary sign for longer than 30 days. Mr. Miller pointed out that the Committee had given such approval once before, to the Our Savior's Lutheran Church in Sandwich, for the same reason.

Ms. Vary moved to approve a temporary sign announcing the future home of the Christ Community Church, said sign to be in place not later than September 21, 2007. The motion was seconded by Mr. Faivre and carried unanimously.

TEMPORARY SIGN PERMIT -- Request of Mark Yaeger for temporary signs associated with a roadside stand at 14643 State Rte. 38 in Cortland Township, to be in place for longer than 30 days

Mr. Miller explained that this request is in the same vein as the Christ Community Church temporary sign request, in that the existing regulations for signs do not address signage associated with temporary uses such as roadside stands. He stated that Mark Yaeger, owner of property located at 14643 State Rte. 38 in Cortland Township, has operated such a stand for many years, and has always used temporary signs on the property during the period the stand is in operation between March and November of each year. However, such signs are not permitted by the Sign Regulations. On being

advised of this fact by staff, Mr. Yaeger has requested approval by the Planning and Zoning Committee for five temporary signs for a period exceeding the maximum 30 days permitted by the Zoning Ordinance, to allow the temporary signs to remain on subject property through the end of October, 2006. Mr. Miller explained again that the types of special displays and temporary signs permitted by Section 7.10.B of the Zoning Ordinance are intended for such things as sales associated with businesses or weekend events such as community picnics. Such sales and events are typically of a short duration, which is why temporary signs are limited to a 30-day time period. The restriction is intended to assure that such temporary signs do not become permanent, which in turn is intended to help maintain a uniformity of appearance in a district and avoid visual clutter.

However, the farm market operated on the Yaeger farm has been an annual activity for many years. Such a farm market is of a different nature than other business special events, as it runs for a longer period of time (in the case of the Yaeger farm market, from April through October of each year). Mr. Miller continued by stating that such signs have been used on the property in the past during the time the market is open, and they are taken down each year after it closes. Despite this long history, the DeKalb County Zoning Ordinance restriction of a maximum of 30 days must be addressed. This period may be extended only on review and approval by the Planning and Zoning Committee.

Mr. Yaeger stated to the Committee that he erects approximately 25 signs around the property at various times of the year.

Mr. Slack moved approve the use of temporary signs on the property at 14643 State Rte. 38 through October 31, 2006, seconded by Mrs. Dubin, and the motion carried unanimously.

Mr. Miller suggested that the regulations related to temporary signs should be amended to address issues like the "future home"-type signs and signs associated with seasonal uses. He asked the Committee for direction.

Ms. Vary moved to direct staff to draft a possible amendment to Section 7.10.B. of the Zoning Ordinance regarding temporary signs to address coming projects and seasonal signage. The motion was seconded by Mrs. Allen and carried unanimously.

STORMWATER MANAGEMENT PLAN & ORD. -- Status report on the work of the Stormwater Management Planning Committee in drafting a County-wide stormwater management plan and ordinance

Mr. Miller stated that the Stormwater Management Planning Committee met on August 8, 2006 and finalized the draft Stormwater Management Plan and Ordinance that will be presented at a public hearing. The hearing is tentatively scheduled for the end of September. Following the public hearing, the Stormwater Management Planning Committee will make any final changes to the documents, then forward the Plan and Ordinance to the County Board for consideration and

approval. The item will come to the Board through the Planning and Zoning Committee. Mr. Miller stated that Phase I of this process will re-legitimize the County's existing stormwater management regulation in light of the new legislation passed by the State of Illinois in 2005 that overtly granted to DeKalb County the authority to have such regulations. The intent is to develop and adopt a basic Stormwater Management Plan that endorses the regulations related to stormwater management for new construction in unincorporated DeKalb County, and then calls on subsequent phases of the Plan to address more controversial issues related to stormwater management. Phase 2 of the Stormwater Management Plan would be initiated when the County Board directs that the time and money should be spent on the effort, and should, among other things, consider regulations that treat stormwater on a watershed basis. Other possible issues include, but are not limited to, early identification and protection of critical stormwater management areas, increased buffers along existing floodplains, necessary regulations to enhance water quality, protection of groundwater recharge, and identification of needed regional stormwater management projects. The draft Plan identifies Phase 3 as including the procurement of funding for and specific design of the regional stormwater management projects.

Mr. Faivre stated that he was concerned that the draft Plan includes language to the effect that agricultural buildings should be required to have stormwater management plans. He understood that agricultural structures were to remain exempt from the regulations and felt strongly that they should remain so. Mr. Miller responded by stating that agricultural buildings are exempt per the Stormwater Management Ordinance, which is where the regulations are located. The Plan is policy only and does not carry the weight of law.

Ms. Vary interjected that the language in the draft Plan should be permissive, not directive, and suggested that the Plan should read that agricultural buildings "may be" subject to stormwater management practices rather than that they "should be."

Mr. Faivre repeated his concern and stated that the whole line referencing agricultural buildings should be removed from the Plan.

Mr. Miller stated that this is an example of issues related to stormwater management that have people with opinions on both sides. These are important issues and important discussions. However, the task appointed to the Stormwater Management Planning Committee was to take a first step, to do what is needed to re-legitimize the County's existing stormwater regulations. At a future date, whenever the County Board directs, the second phase of the Plan can be initiated, and include discussion as to whether or not agricultural buildings should or should not be subject to stormwater management regulations. He thanked the Committee for identifying this as a potential issue.

As this topic was informational in nature, no formal action was taken on this matter.

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

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

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