

PLANNING AND ZONING COMMITTEE
MEETING MINUTES
September 27, 2006

The Planning and Zoning Committee of the DeKalb County Board met on September 27, 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, Howard Lyle, Eileen Dubin and staff members Paul Miller and Derek Hiland. Audience members included the Director of the Forest Preserve Terry Hannan, Michael Larson, Peter Smith, Steve Larson, John Larson, Judy Baumgartner, Tammie Ring, Paul Bafia, Ken Anderson, John Glugla, 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 Pat Vary.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mrs. Dubin moved to approve the minutes of the August 23, 2006 meeting of the Planning and Zoning Committee, seconded by Mrs. Allen, and the motion carried unanimously.

SPECIAL USE PERMIT AMENDMENT -- Request of MSJ Larson, Inc. for an amendment to a Special Use Permit for a gravel operation located on the south side of Bethany Road and the east side of Airport Road in Cortland Township, Petition CO-06-12

Mr. Miller stated that MSJ Larson, Inc., owner of the Larson Quarry, filed a petition for an Amendment to a Special Use Permit to include the property located at 21490 Airport Road in Cortland Township as part of its operation. The site is located on the east side of Airport Road, approximately 2,400 feet south of Barber Greene Road, and is zoned A-1, Agricultural District. MSJ Larson, Inc. is proposing to add the 3.43-acre property to the Special Use Permit granted by the DeKalb County Board by County Board Ordinance 76-6 for the gravel pit. The Ordinance established the legal description of the property covered by the quarry and now proposes to modify the boundary of the Special Use Permit to include the 3.43-acre parcel which includes the former "Pearson House". Although the size of the additional parcel and the buildings thereon will not exceed the ten percent (10%) threshold for expansion of Special Uses, the gravel pit is subject to conditions set forth in the original Special Use Permit granted by the DeKalb County Board. In order to add the 3.43-acre parcel to the Special Use, the terms under which the gravel pit operates must be changed to allow mining to occur with 500 feet of the house at 21490 Airport Road, and to allow the driveway on the property to be used by vehicles associated with the gravel pit.

Mr. Miller stated that the required public hearing was conducted on August 31, 2006 by DeKalb County Hearing Officer Ron Klein. At the hearing, the petitioner explained that the subject property is surrounded by the gravel pit on the north, south and east sides. The property will eventually be used as a quarry, and the existing berm located along Airport Road will be extended across the parcel. The house may be used for limited office space, and the garage may provide some storage. The Hearing Officer submitted his Findings and recommended approval of the Special Use Permit, with conditions. The conditions include restricting the access on the subject property to vehicles associated with that property only and not to trucks used in quarrying activities, and requiring the capping of one well and the removal of the heating oil tank.

Peter Smith, attorney for the petitioner, submitted a letter indicating that the aforementioned conditions have been met.

Mr. Faivre asked if the Hearing Officer's approval limited access to the former Pearson House. Mr. Miller noted that one of the proposed conditions of approval would restrict use of the access to the 3.43-acre property by vehicles making deliveries to or removing materials from the quarry.

Mr. Faivre moved to approve the Special Use Permit Amendment related to the MSJ Larson Quarry with conditions, seconded by Mr. Slack, and the motion carried unanimously.

GREENWAYS AND TRAILS PLAN -- Request of the DeKalb County Greenways and Trails Coalition for approval of a DeKalb County Greenways and Trails Plan

Mr. Miller explained that the DeKalb County Greenways and Trails Coalition, in concert with the DeKalb County Forest Preserve District, has forwarded the DeKalb County Greenways and Trails Plan for consideration and adoption by the County Board. The Coalition is requesting that the County Board adopt the Plan as a policy document that can be used to help guide growth and development and identify areas within the County that are appropriate for conservation, for open space, for the creation and preservation of connected bicycle/pedestrian trails, and for active and passive recreational uses. The Plan makes recommendations on types of paths, locations of paths, and options for acquiring greenways and trail space. Maps contained in the Plan graphically depict existing and proposed trails, greenways, environmentally critical/sensitive areas, and public and private parks/open space. It is anticipated that, when adopted by the County Board, the Greenways and Trails Plan will help guide land use decisions. It would be consulted when development projects are proposed in the same way that the County Unified Comprehensive Plan is consulted. It is also the hope of the Coalition that the Greenways and Trails Plan will be adopted by the municipalities within the County. To that end, it is believed adoption by the County Board is an important first step and the Greenways and Trails Coalition requests that the Committee forward the Plan to the full County Board for adoption.

Mr. Faivre requested confirmation that the Plan is only a recommendation to developers, so if the trails are proposed to cross a proposed subdivision, that development would not be impeded. Mr. Miller stated that if adopted the Plan would become policy, not law. The location of bike/hike trails

would be negotiated. He added, however, that the Plan will only be as good as the implementation decisions.

Mrs. Allen asked if Greenways and Trails Plan was another program funded by the taxpayers of the DeKalb County? Terry Hannan responded that monies to be allocated for this program would come from various avenues: private, public and civic funds. Mr. Miller added that it is important that the County approve and support this Plan first if it expects any municipality to do so.

Mr. Steimel inquired whether there was a plan in place to approach the surrounding municipalities regarding adoption of the **Greenways and Trails Plan**? Ms. Fauci stated that the next step would be to contact the cities and towns for their support after the County approves the Plan.

Mr. Slack moved to approve the DeKalb County Greenways and Trails Plan, seconded by Mr. Lyle, and the motion carried with five "yes" (Lyle, Slack, Steimel, Dubin, Faivre) and one "no" vote (Allen).

USE VARIATION TEXT AMENDMENT -- Petition to amend the Use Variation regulations to address properties acquired prior to October of 1976, Petition DC-06-14

Mr. Miller stated that the Planning, Zoning and Building Department staff, on behalf of the County Board, has filed a petition for Amendments to Section 10.02 of the DeKalb County Zoning Ordinance, regarding Use Variations. The proposed Amendment would add a criteria that makes property owners who acquired parcels of less than 40 acres in size prior to October 20, 1976, eligible for approval of a Use Variation. The required public hearing for this Zoning Text Amendment was conducted by Hearing Officer Kevin Buick on September 7, 2006. Staff presented the petition and testified as to the rationale for adopting the proposed amendments, explaining that the Planning and Zoning Committee had determined that consideration should be given to expanding the conditions under which a property owner can qualify for a Use Variation. Specifically, the Committee wanted evaluation of a new criteria that would allow an owner who had acquired property, by whatever means, prior to October of 1976, to be eligible. This would be an alternative to the current regulations which require a property owner to have purchased the property prior to December of 1993 and to demonstrate that a premium price was paid for the parcel because it was buildable for a residence at the time it was purchased. Under the proposed regulations, a property owner who can prove ownership before 1976 would not need to show that the property was purchased.

Mr. Steimel asked what the significance of October 20, 1976 was regarding this proposed text amendment? Mr. Miller stated that on October 20, 1976 the 40-acre rule became overt.

Discussion briefly followed regarding the background to this issue. Mr. Slack stated he supported the Amendment, and Mr. Faivre indicated he did not.

Mr. Slack moved to approve the amendment for Use Variation regulations to address

properties acquired prior to October of 1976, seconded by Mrs. Dubin, and the motion carried with five "yes" (Lyle, Slack, Steimel, Dubin, Allen) and one "no" vote (Faivre).

SIGN REGULATIONS AMENDMENT -- Presentation by staff of a possible amendment to the Sign Regulations of the Zoning Ordinance regarding temporary signs to address the need for signs announcing approved development projects and signs associated with seasonal uses

Mr. Miller stated that at its last regularly-scheduled meeting, the Planning and Zoning Committee considered the request of the owner of a "farm market" for an extension of the period of time that temporary signs associated with the market may remain on site. Per the existing Sign Regulations of the Zoning Ordinance, "temporary signs" are limited to a total of 30 days, unless a longer period of time is granted by Committee action. The owner of the market pointed out that such agricultural uses are typically in place for months, from Spring until Fall of each year, and traditionally have associated signs. Mr. Miller noted that roadside stands are a permitted use in the A-1 District, but there are no sign regulations to recognize these uses. At the same meeting, representatives of a church that was soon to be under construction requested permission for a temporary sign that would be on site for longer than 30 days, announcing the "future home" of the church. Mr. Miller explained that there is no provision for temporary signs associated with newly approved Special Uses that are under construction in the A-1 District. After granting the requests for an extended period of time for the temporary signs, Zoning Committee members directed staff to consider possible amendments to the Sign Regulations to address the issue of temporary signs that may be appropriate for a period of more than one month.

Staff presented some possible changes to accommodate multiple on-site signs associated with seasonal uses. These changes would require a Sign Permit, but only one such permit would be needed per applicant per year. Another possible change was presented that would accommodate the "coming soon"-type signs.

A final issue related to off-premiss signs. Staff noted that such signs, advertising a product, service or use that does not take place on the property where the sign is installed, are currently prohibited by the Sign Regulations. There are some uses that have employed such signs for years, and staff has never pursued these signs which are violations, but would be required to do so if a complaint were received. Staff's recommendation is that off-premiss signs continue to be prohibited.

Mr. Faivre stated that he is uncomfortable with a policy that requires staff to look the other way when an off-premiss sign is installed. Mr. Miller noted that is the unofficial policy now, unless such a sign is installed in a public right-of-way or creates a public hazard/nuisance or if a complaint is received. He stated that changing the regulations to allow off-premiss signs would actually add to the requirements that those who use such signs currently face. Mr. Miller also noted that some types of off-premiss signs are typically considered a nuisance, such as the directional signs for subdivisions that are installed over the weekends.

Mr. Steimel indicated that he would like to see some provision to allow permitted seasonal uses to install off-premiss signs. Mr. Miller stated that such could be done, but it involves some complications, including how far from the property where the use is located should an off-premiss sign be permitted?

Following further discussion, it was agreed that staff should develop possible language to accommodate off-premiss signs for permitted seasonal uses. Staff was also requested to contact other counties and jurisdictions to see what they allow. The information should be presented at the next meeting of the Planning and Zoning Committee for consideration.

As this item was strictly informative, no action was taken.

PERSONNEL -- Exempt Employee Evaluation

Ray Bockman, County Administrator, forwarded a letter to the Committee regarding his evaluation that the Planning Director had successfully completed his Standard Work Program for the year. Mr. Miller explained that the Committee is requested to agree, or not, with the County Administrator's decision as part of the annual evaluation of the Planning Director. Committee members discussed Mr. Miller's job performance for the previous year.

Mr. Faivre made a motion endorsing the County Administrator's determination that the Planning Director had satisfactorily completed his Standard Work Program for the year, seconded by Mr. Lyle, and the motion carried unanimously.

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

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

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