

PLANNING AND ZONING COMMITTEE
MEETING MINUTES
August 27, 2008

The Planning and Zoning Committee of the DeKalb County Board met on August 27, 2008 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, Eileen Dubin, Michael Haines, Vince Faivre , Anita Turner, and Pat Vary, and staff members Paul Miller and Rebecca Von Drasek. Also in attendance were Aaron Ruder, Karen Stone and Joe Flyte (Boy Scouts of America), Steve Wolf (Sandwich Park District), Ron and Laurie Bradt, Elena Grimm, Chad and Jennifer Daring (Daring Landscaping), Rick Schmack, Ken Anderson, and Paul Mollet (Mayfield Township Road Commissioner).

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted all Committee Members were present.

APPROVAL OF MINUTES

Mr. Vary asked if Mike Hey of Waste Management had responded to staff about the ash borer traps, and if Christel Springmire, DeKalb County Health Department, had received any information regarding the Kane County multi-family dwelling recycling program. Staff responded that neither had been in contact and offered to contact them and report back to the Committee.

Ms. Vary then moved to approve the minutes of the July 23, 2008 meeting of the Planning and Zoning Committee, seconded by Ms. Dubin, and the motion carried unanimously.

APPROVAL OF AGENDA

Ms. Haines moved to approve the agenda, seconded by Ms. Turner, and the motion carried unanimously.

SPECIAL USE

Mr. Miller briefed the Committee on Chad and Jennifer Daring's Special Use Permit petition to allow a landscaping business to remain on a five-acre parcel located at 20608 Airport Road in Cortland Township. The subject property is located approximately 1,000 feet south of the intersection of Pleasant St and Airport Road. The property is zoned A-1, Agricultural District. Mr. Miller noted that the required public hearing was conducted on April 24, 2008 by DeKalb County Hearing Officer Kevin Buick. The petitioners provided testimony and exhibits in support of the requested Special Use, including that the business had no retail component and that no customers visit the subject property. A petition of support for the request was provided at the public hearing, signed by 16 neighbors. The business will typically employ seven to 10 persons, and provides snow plowing service in the Winter months. Staff noted that operation of the landscaping business began without the required Special Use Permit, that a construction trailer had been hauled onto the site for use as an office without a Building Permit, and that the Health Department has indicated a septic system had been installed without the required Septic Permit. Mr. Miller noted that a representative of the petitioners, Richard Schmack, had verbally

asserted to staff that the trailer would be removed. Mr. Miller stated that a removal date could be included in an Ordinance for the request if the Planning and Zoning Committee decided to recommend approval. Mr. Miller asserted that the Hearing Officer had submitted his findings, and recommends approval of the Special Use Permit with conditions, including that a revised Site Plan be submitted by the petitioners, subject to review and approval by staff, detailing landscape screening of the parking lot and marking a specifically delineated area of storage for ancillary materials outdoors, and that the landscaping business be restricted from operation during hours of darkness during the period from March through October.

Mr. Steimel asked the petitioner and staff if the septic issues related to the house on the subject property had been addressed. Staff emphasized that the issue has no direct bearing on the Special Use deliberations, but is being handled between the Health Department and property owner. Mr. Daring stated he was unaware of any issue. Mr. Schmack offered that if there was an issue his client would address it in compliance with applicable regulations.

Ms. Turner asked if the septic issue associated with the trailer would be removed by the removal of the trailer. Mr. Daring stated that the septic tank would be removed with the trailer.

Ms. Vary asked about the fertilizers stored on site, considering the sandy soils noted by the Soil and Water Conservation District. Mr. Miller noted that the petitioner had testified that any fertilizer would be stored inside. Mr. Daring agreed and noted that when fertilizer was necessary it would be stored inside an existing accessory building.

Mr. Steimel observed that the improvements and clean-up of the property was appreciated. Mr. Miller agreed that it spoke well of the Darings, and reminded the Committee of the petition of support signed by neighboring property owners.

Mr. Haines asked if there had been any dissent at the public hearing, Mr. Miller noted that no one spoke in opposition to the project.

Mr. Faivre asked why the parking improvements are required. Mr. Miller noted there are State requirements for handicapped parking spaces that cannot be waived by the County. He added that the petitioner could seek waivers from some County requirements, such as paving and curbing the parking lot.

Mr. Steimel noted the Hearing Officer's recommended hours of operation and agreed that snow plowing may require operations in the dark.

Mr. Haines listed the conditions to be included within the Ordinance governing the Special Use: 1). that the construction trailer must be removed by a specific date; 2). that all chemicals are to be stored inside of buildings; 3). that hours of operations for the landscaping business shall be limited by darkness from March through October; and 4). that adequate screening and landscaping requirements shall be met.

Mr. Faivre then moved to recommend approval with conditions, seconded by Ms. Allen, and the motion carried unanimously.

Mr. Steimel noted the County Board would vote on the Ordinance at its September 17, 2008 meeting at 7:30 pm in the Gathertorium of the Legislative Center.

MAP AMENDMENT

Mr. Miller briefed the Committee on the Zoning Map Amendment request by the Sandwich Park District. The proposal is to rezone a 22.81-acre parcel, commonly known as the Harvey Creek Conservation Area, located at 1025 Lions Road in Sandwich Township, from A-1, Agricultural to FP-C, Floodplain/Conservation District. The required public hearing was conducted on July 24, 2008 by DeKalb County Hearing Officer Ron Klein. At the hearing, the petitioner presented exhibits and testimony to the effect that the request is driven by a desire to allow a new structure to be used as a meeting place for the Boy Scouts of America and as a nature center. Staff noted that public parks are not a permitted use in the A-1 District. Rezoning Harvey Creek Conservation Area to FP/C would be consistent with the zoning for other parks and forest preserves throughout DeKalb County, and would allow more active recreational uses than are accommodated in a "conservation area." The Hearing Officer forwarded his report and recommended approval of the Zoning Map Amendment. Lastly, Mr. Miller noted that the rezoning could either be approved or denied, but that no conditions could be attached to the approval.

Ms. Allen asked what activities would be allowed if the property were rezoned, and what type of oversight the County would have on future projects and uses. Mr. Miller explained that all of the permitted activities in the FP-C, Floodplain/Conservation District would be allowed without any additional oversight, but that any new structures would require Building Permits and possibly Site Development Permits.

Ms. Turner asked if the proposed building for the nature center location was relevant to this request. Staff responded that although the Committee may wish to comment about the building, the crux of the issue relates to the zoning change and if it is appropriate for this property.

Mr. Haines clarified that the current zoning of A-1, Agricultural District does not permit for public parks. He then asked if other public parks were in the FP-C, Floodplain/Conservation District. Staff noted that there are several throughout the County, including Shabbona State Park, the Kishwaukee State Natural Area, and a park in the Spark-Hayes/Foy Addition area north of Sycamore. Mr. Haines also inquired if annexation of the property was more appropriate. Mr. Miller noted that the City of Sandwich had forwarded a letter noting that it has no objection to the proposed rezoning, but had not expressed interest in annexation.

Mr. Wolf, Sandwich Park District, noted that he thought with time annexation may occur, when and if development in the area started again.

Ms. Allen stated that if the rezoning was approved, the Park District could utilize the property in a new capacity such as for ball fields and more active park activities, etc. Mr. Wolf responded that the Park District had no intention of more active uses of the property beyond the nature center.

Ms. Vary asked if the property was in the floodplain. Staff responded that the property contained wetlands but not regulatory floodplain. Mr. Wolf noted that the location selected for the building was far on the west side of the property to avoid disturbing the wetlands.

Mr. Haines stated even though he understood Mr. Wolf's assertion that the intention was to conserve the property as is, that with time, attitudes may change about how the property should be utilized.

Ms. Allen noted that the building is advertised as "low-profile" in the Park District's plans and yet the pictures of the building appeared to be two stories in height. Mr. Flyte, a representative of the Boy Scouts, stated that the second floor was a loft for storage.

Ms. Stone, a representative from the Boy Scouts, added that they are attempting to further educate children as to the importance of the plants and animals in this area. She noted that many Eagle Scout projects were completed at the site and that protecting the park's natural features was very important to the Boy Scouts.

Ms. Allen then moved to recommend approval of the rezoning the property FP-C, Floodplain/Conservation District, seconded by Mr. Haines, and the motion carried unanimously.

DISCUSSION ITEM - Sign Regulations

Mr. Miller explained to the Committee that staff was recently contacted by the Lions Club of Waterman regarding the possibility of placing temporary signs on properties in unincorporated DeKalb County to advertise a proposed "antique tractor show" that would take place within the Village limits. However, the Sign Regulations in the DeKalb County Zoning Ordinance do not allow temporary off-premise signs for uses that do not take place in unincorporated DeKalb County, nor does it allow temporary signs for the purpose of advertising. If the County were to determine that such signs should be allowed, an Amendment to the text of the Zoning Ordinance would be necessary. Mr. Miller added that this change would cause the sign regulations to be less restrictive than the current Ordinance and would permit more signs.

Mr. Faivre noted that many people and organizations post these signs, and questioned if additional regulation is necessary.

Mr. Haines observed a less restrictive sign regulation may not be desirable, but he also noted that there are few egregious violations.

Mr. Steimel added that these community events were good activities, and he noted that if the change is abused then the Committee could withdraw the revisions.

Mr. Haines clarified that signs were permitted for similar activities in unincorporated areas. Additionally, he asked staff how signs were considered directional and not advertisements. Mr. Miller that directional signs generally have an arrow or directions, while advertisements do not include this information.

Ms. Vary agreed with Mr. Steimel that the allowing signs for these community sponsored activities was good policy.

Ms. Dubin added that she had no objection as long as the Committee could reverse the decision if it is abused.

Following further discussion, Ms. Vary moved to direct staff to initiate a Text Amendment application to allow off-premise signs for municipal events, seconded by Ms. Dubin, and the motion carried unanimously.

DISCUSSION ITEM - Decorative Yard Structures

Ms. Vary began the discussion by asking when is a structure a structure?

Mr. Miller noted that question was the reason for staff request for guidance on this issue. He explained that staff recently received an inquiry from the Mayfield Township Road Commissioner as to whether decorative pillars and landscaping rock structures are permitted obstructions in a front yard. Mr. Miller informed the Committee that the Zoning Ordinance regulations are contradictory on this question. Consequently, staff is seeking the input of the Planning and Zoning Committee on whether and how to proceed. He also noted the e-mail from Mr. Lorence, DeKalb County Highway Department, regarding mailboxes which was included in the Committee's packet.

Mr. Faivre asked if staff was suggesting that these types of structure would require Building Permits. Mr. Miller noted that staff was seeking the Committee's direction in addressing the situation. Mr. Miller distributed a handout which included possible text revisions. It proposed amending Article 5 of the Zoning Ordinance to better distinguish between accessory buildings, which have a roof and are intended to enclose, and accessory structures, which are any man-made object more-or-less permanently affixed to the ground. The redrafted regulations would continue to prohibit accessory buildings from being the front yard, but would allow typical accessory structures such as planter boxes, lawn furniture, low decorative walls and decorative light posts, etc., provided these are set back a minimum of five feet from any property line.

Mr. Lorence then addressed the Committee noting that the Highway Department was requesting a Zoning Text Amendment to prohibit mailboxes that are not "break away" from being within the rights-of-way (r.o.w) of streets. He noted that three townships had ordinances requiring that mailboxes be breakway, and that Federal regulations require this as well. Mr. Lorence stated that these structures can damage snow plows, as well as present a safety hazard for motorists.

Mr. Steimel asked about the current regulations governing the mailboxes. Mr. Lorence responded that the United States Postal Service (USPS) and the Federal Highway Administration (FHWA) both have opinions on the issue, however, enforcement by the USPS Postmasters have varied. He also informed the Committee that the FHWA requires these mailboxes be removed or guard rails installed.

Mr. Miller stated that zoning already prohibits private signs within the r.o.w., and that the yard structure text amendment could included a requirement that mailbox structures be "break away".

Ms. Vary asked about Mr. Lorence's comment within his e-mail about the discharge point of the sump pump.

Mr. Mollet, Mayfield Township Road Commissioner, and Ron Bradt addressed the Committee and provided photographic evidence of flooding near the Bradt home that they claimed was the consequence of a neighbor directing sump pump discharge to the ditch along the road. Mr. Miller then relayed the brief history that the issue, explaining that the initial complaint was in regard to the sump pump and pooling of water at the property. He explained that the sump pump discharge point appeared to be in compliance with the current regulations set forth in the Stormwater Management Ordinance, however, the regulations assumed that the water would then be absorbed by the front yard. In this instance, the property owner installed a French drain which facilitates the water flow directly to the drainage ditch. Mr. Miller explained that any change to the Stormwater Management Ordinance would properly be addressed by the Stormwater Management Planning Committee.

Mr. Mollet then added that the smell of decomposition and the flooding caused by the landscaping project has been terrible.

Mr. Steimel asked if there was a storm sewer or tile which the property owner could tie into for drainage. Mr. Mollet then outline the layout of the property, noting the proximity to the river and the drainage way on the opposite side of the road.

Mr. Miller noted the issue could also be addressed at the scheduled October 2, 2008 meeting of the Stormwater Management Planning Committee. He stated that Mr. Mollet would be informed of that meeting's agenda. Mr. Miller also noted that any regulation adopted to address these issues could not be applied retroactively.

Mr. Faivre asked what changes the possible Text Amendment related to lawn structures and mailboxes would make. Mr. Miller answered that the change would be the five-foot setback requirement from property lines, and clarification of what is a permitted obstruction in a required yard.

Mr. Haines clarified that the Text Amendment would only restrict structures on private property and that a second text change would be necessary to limit the construction of mailboxes within the r.o.w. Mr. Miller noted that the County would therefore be reinforcing the townships' mailbox restrictions.

Mr. Lorence noted that there is also an existing regulations that protects the site triangle at street intersections. Mr. Miller illustrated the 40-foot site triangle for corner properties.

Mr. Steimel noted the County would be taking a leadership role in regards to the mailbox issue.

Ms. Vary asked if current regulations prohibited structures in front yards. Mr. Miller suggested that the current regulation could be interpreted that way. Ms. Vary then summarized that the amendments were to clarify what types of structure were permitted and where they could be placed on properties and in the r.o.w.

Mr. Faivre felt the issue of structures and mailboxes should be separated. Mr. Miller noted that the same application could cover both issues, as the text revisions would be to the same section

of the Zoning Ordinance, but he offered that the Committee could decide to recommend only a portion of the text changes for approval by the County Board.

Ms. Vary then moved to direct staff to initiate a Zoning Text Amendment to revise the regulations for accessory structures and buildings, and to add the requirement of “break-away” mailboxes, seconded by Mr. Haines, and the motion passed with six voting in favor and Mr. Faivre opposed.

DISCUSSION ITEM - Unified Comprehensive Plan

Mr. Miller reminded the Committee that the County Board approved the DeKalb County Unified Comprehensive Plan on December 17, 2003. The Unified Plan incorporates the future land use plans of the various municipalities in DeKalb County, and provides a consensus vision for the future of the County. Mr. Miller noted that since the Plan’s adoption, some of the 14 municipalities that are partially or entirely within the limits of the County have grown through annexation, adopted amendments to their individual comprehensive plans, and that decision-makers at the municipal and County levels have changed. Because of physical, jurisdictional and political changes, comprehensive plans must occasionally be updated. Staff believes that it is time to consider updating the Unified Comprehensive Plan, with a goal of having an updated plan in place by January of 2010.

Mr. Miller recommended the following steps for updating the Comprehensive Plan, in cooperation with the Regional Planning Commission: 1) Gather all of the current municipal future land use plans and integrate them into the County GIS system to create a new unified future land use plan. The GIS system already has the current municipal boundaries; 2) Update demographic data from available sources; 3) Make any desirable changes to goals, objectives and future land use categories; 4) Conduct three open houses, one each in the north, central and south portions of the County, to solicit public input on the goals, objectives, land use policies and future land use plan, and use the input to finalize these elements of the updated plan; 5) Conduct one public hearing on the updated Unified Comprehensive Plan; and 6) Send the updated Plan to the County Board for adoption in December of 2009. Mr. Miller emphasized that this process could be done largely “in-house” at minimal cost. He foresaw rolling the \$5,000 allocated for this purpose in the FY08 budget into the FY09 budget, and speculated that the greatest cost of the update would be for printing.

Ms. Vary agreed that this was a logical approach to the Plan’s update, and she was pleased that the process would include public input.

Ms. Turner confirmed that the costs would reflect a minor update rather than the same large scale project that it had been in 2002. Mr. Miller agreed and noted that he would offer to the municipalities an opportunity to “piggy back” on the County Comprehensive Plan update process. The County could provide certain services, perhaps for a fee, if the municipalities requested assistance in creating their updates.

Following further conversation, Mr. Haines the moved to direct staff to initiate an update of the Unified Comprehensive Plan, seconded by Mr. Faivre, and the motion carried unanimously.

ADJOURNMENT

Mr. Steimel complimented the Committee for the good discussion regarding this evening various agenda items.

Mr. Anderson briefly addressed the Committee regarding their opinions of a proposed 190-foot tall telecommunications structure located within the boundaries of the City of Sycamore. Ms. Vary noted that the structure is outside of the County's jurisdiction. Mr. Miller stated that these structures are permitted by State law. Mr. Lorence indicated that a letter was sent to the Sheriff's Department and reviewed to make sure the tower would not interfere with emergency communications and aviation. He added that the company was required by law to contact local authorities regarding these issues.

Mr. Anderson also highlighted numerous "junky" yards throughout the County. Mr. Miller responded that the County does not have a property maintenance code, therefore there were no requirements for property. However, he added that individuals who take in materials for resale or commercial purposes may be in violation, and further that staff regularly initiates violation inquires related to two or more inoperable vehicles on a property.

Mr. Haines asked about the burn piles. Mr. Miller reported that if the materials being burned are not generated on site there may be evidence of a commercial operation and thus a violation.

Ms. Vary asked if other counties had property maintenance regulations. Mr. Miller said that staff would investigate if directed to do so and that it may be appropriate to research it in conjunction with the Comprehensive Plan update.

Following further discussion, Ms. Vary moved to adjourn, seconded by Ms. Turner, and the motion carried unanimously.

The next meeting of the Planning and Zoning Committee is scheduled for September 24, 2008 at 7:00pm in the Conference Room East.

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

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