

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
September 24, 2008**

The Planning and Zoning Committee of the DeKalb County Board met on September 24, 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 staff members Paul Miller and Rebecca Von Drasek. Also in attendance were Gregg Larson (Stonehouse Park), Steve Cecchin, Nancy Cecchin, Riley Oncken and Ryan Carmicheal.

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted Committee members Pat Vary and Anita Turner were absent.

APPROVAL OF MINUTES

Mr. Haines moved to approve the minutes of the August 27, 2008 meeting of the Planning and Zoning Committee, seconded by Ms. Dubin, and the motion carried unanimously.

APPROVAL OF AGENDA

Mr. Steimel asked that the Committee be briefed on the Sandwich Park District Intergovernmental Agreement at the end of the meeting.

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

SPECIAL USE AMENDMENT

Mr. Miller briefed the Committee on the application for Amendments to a Special Use Permit for the Stonehouse Park RV Campground filed by Gregg Larson. The existing RV camp is located on the north side of Suydam Road, approximately 1,750 feet east of the intersection with Hyde Road, in Paw Paw Township. The property is zoned A-1, Agricultural District with a Special Use for an RV campground. Mr. Miller noted that the required public hearing was held on September 4, 2008 by DeKalb County Hearing Officer Kevin Buick. The petitioner provided evidence, testimony and exhibits for the proposed redevelopment of the RV camp. The proposal includes: dropping the existing condition on the Special Use that restricts the ownership; limiting the RV camping to one season a year rather than year round; adding the historic Stone House, which would be rehabilitated and opened to the public; adding the vacant 15-acre parcel to the east as a site that would include a horse stables and orchard; adding a new shower house, kitchen and 25 cabins; improving parking; and offering a variety of uses including sheep-herding demonstrations, horse team pulling demonstrations, historical re-enactments, cider production (including hard cider) and sales, associated retail sales, weekend and historic festivals, and accommodations for corporate and civic retreats. Mr. Miller stated that the litany of proposed uses would need to be clearly listed in an ordinance if the request is approved. He also indicated that a revised Site Plan was needed to show all proposed uses, buildings, and site improvements.

The County Engineer expressed concern at the public hearing that the existing access to the vacant 15-acre site not be used by traffic associated with Stonehouse Park activities, given the poor site lines. Mr. Miller noted that no members of the public spoke in opposition to the request, and two spoke in favor at the Public Hearing.

Ms. Turner arrived at the meeting at 7:07 pm.

Mr. Miller continued that the Hearing Officer recommended approval of the Special Use Permit with conditions, including a list of approved uses, and the submission of a revised site plan. He then handed out a plan review, dated September 24, 2008 in response to the applicant's revised site plan, received on September 22, 2008.

Mr. Steimel noted that the campground and Stone House site are unique pieces of property.

Mr. Haines asked staff why the original Special Use required the Special Use only be applicable to heirs of the estate. Mr. Miller explained that the County has historically limited Special Uses to the specific individuals who request them because of the concern that a new property owner would not operate a given use in the same manner as the original applicant. He added that he does not advise this type of a provision because a use is either appropriate on at a particular property or not, regardless of ownership.

Mr. Haines asked if the applicant was requesting hunting be allowed. Mr. Larson acknowledged that he had considered hunting, but no longer envisioned hunting on the property. He did note that the rustic cabins would be available to hunters in the area. Mr. Steimel added that he felt the property was too small to offer hunting.

Mr. Haines asked if as a condition of approval if the County could add the requirement that junk be removed. Mr. Miller suggested that a condition could include the requirement that the property be kept in a neat and orderly fashion, he added that failure to then comply would jeopardize the Special Use approval. Mr. Haines added that this property was a unique historical site, he also asked if the conditions could require that the operators preserve the historical nature of the property. Mr. Steimel noted there were numerous historic structures on site. Mr. Larson agreed that a condition could be added that the buildings remain on the historic registry.

Mr. Faivre asked staff why there was any restriction on the 15-acre piece. Mr. Miller responded that the applicant had submitted their plans and did not intend to develop the new parcel to the east of the existing site for camping or active recreational uses, but rather for horse pasture and an orchard. Mr. Miller noted that this was also due in part to the difficulty in adding access and bathroom facilities to this area as it was not originally connected to the Stonehouse campgrounds.

Mr. Larson also noted that the proposed low flow crossing shown on the Site Plan would provide pedestrian access to the 15-acre piece and explained that the bridge is to have a 1860's period look. He also responded to Mr. Miller's plan review noting that some of the proposed cabins were placed within the 100 horizontal feet of the floodplain but that their elevations were above

the base flood levels. Mr. Miller responded that a topographic site plan was necessary for staff to make such a determination.

Ms. Dubin informed the Committee that she was previously associated with the DeKalb County Historical Society, and she was curious if the applicant was solely interested in the business potential for the property or if this project was a "labor of love." Mr. Larson admitted that this project was a mixture of the desire to make money and a desire to restore the historic buildings. He added that there was a lack of good places within Illinois for re-enactments and he had hoped to find such an appropriate property when he came upon the Stonehouse park. Mr. Larson expressed a desire to fix up the property similar to Alden Park, near the University of Illinois campus in Champaign.

Ms. Allen asked if the applicant intended to build a residence on the property. Mr. Larson said that he did not and that the renovations of the Old Stone House itself would be a facility for the park.

Ms. Turner asked if Stonehouse Park, Inc had additional funds beyond the \$300,000-\$400,000 to complete all of the renovations. Mr. Larson stated that the initial investment was more like \$1.5 million dollars. He noted that the property appraised at \$150,000, because so many of the barns appraised for zero in their current condition. Once renovations have been completed Mr. Larson intends to refinance the property.

Mr. Steimel asked Mr. Larson what was the Camp's maximum capacity and how many restrooms were available. Mr. Larson stated that each campsite may have a maximum of eight people and that there are 200 campsites which allows for 1,600 campers at one time. He asserted that the park planned between 20-24 restrooms, in addition to the 25 cabins which also include a restroom. Mr. Larson continued to also detail the planned parking lot for day visitors, and the intention for campers to park at their campsites.

Mr. Steimel indicated that he was enthused about this project.

Ms. Turner noted that the Forest Preserve recently considered purchasing this property.

Mr. Miller reiterated that the approved listed uses should be included within any ordinance for approval so that the conditions would be clear from the onset. Mr. Larson submitted that he had questions about how restrictive the listed uses would be, using the example of a Shakespeare Festival, which was something not yet discussed. Mr. Faivre stated that he was not in favor of additional regulations. Mr. Miller noted that the items within the list would be general in nature and would be interpreted by staff, noting that Mr. Larson's suggested festival would be in keeping with the re-enactment type of events, however hunting would not be listed and therefore not permitted.

Mr. Haines asked on the opposite side of the spectrum if there was some method of regulation to prevent the property from being improved only to return to a poor condition. Staff noted that this is not traditionally done because often if conditions deteriorate, for example if Stonehouse Inc goes out of business it would be difficult to enforce any compliance.

Mr. Larson noted that the current intention is to remove all the trailers from the property. He noted that the leases were up the first of November, however, he emphasized that his preference would be to give the individuals a year to find other accommodations. He stated that no one site on the property is occupied by an individual year round due in part to the shallow water restrictions but noted that the trailers were somewhat permanent in nature. Staff added that previous Special Uses restricted any permanent occupancy. Mr. Cecchin, the current owner of the park, asserted that he interpreted this restriction as no person could occupy the park annually, not their property.

Mr. Haines noted that he also wanted the requirement that the buildings be maintained according to the National Historic Register standards.

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

Mr. Steimel noted the County Board would vote on the Ordinance at its October 15, 2008 meeting at 7:30 pm in the Gathertorium of the Legislative Center.

DISCUSSION ITEM - Property Maintenance Codes

Mr. Miller introduced the issue of regulations related to property maintenance. At the August 28, 2008 meeting of the Planning and Zoning Committee, County Board Member Ken Andersen inquired whether any regulations exist or should exist to require property owners in the unincorporated portions of the County to maintain their properties to at least a minimum standard that would discourage “junky” yards. Staff explained that such regulations are generally set forth in a property maintenance code, and that the County does not have such a code in its regulations. Mr. Miller noted at the request of the Committee, staff investigated whether property maintenance codes have been adopted in surrounding counties for properties in rural/agricultural areas. He noted that only one had been found in Kane County and a copy of it was included in the Members’ packets. Mr. Miller also noted an alternative to a property maintenance was utilizing the existing nuisance provisions within the DeKalb County Code. However, direction to apply these regulations more regularly would entail additional time and resources, as well as coordination with the State’s Attorney’s Office. Staff requested the Committee consider these two alternatives and direct staff as to how to proceed. Mr. Miller provided a past example when the County had a property owner who installed a dirt bike track on the property which resulted in numerous complaints and the County contacted them regarding the nuisance. Mr. Miller highlighted the fact that the Kane County Code exempts agricultural properties. He concluded by suggesting that the a shift in policy to enforce the nuisance code might be sufficient to address egregious violators.

Mr. Steimel stated that he did not support going as far as Kane County with the property maintenance code.

Ms. Von Drasek emphasized that the enforcement of a nuisance complaint would consider Evergreen Village the same as a residence in an unincorporated area.

Mr. Miller added that staff would be reactive in nature, rather the proactive. When a complaint is filed, staff will followup with a property owner. He also reminded the Committee that the complaints are confidential but not anonymous.

Mr. Faivre asked about who would be making the decision if a property was or was not a nuisance. Mr. Miller responded that it would be dependent on if the County will be able to make a case to of such to a Hearing Officer and judge.

The Committee then agreed that staff should adjust its policy toward complaints of “junky” yards, more regularly treating these as potential nuisance violations that can be sent to the Code Enforcement Unit if not cleaned up.

DISCUSSION ITEM - Budget 2009

Mr. Steimel asked if staff had received any comments on the proposed budget. Mr. Miller responded that he had not, in part due to the fact that the proposed budget was less than the 2008 Budget.

Ms. Turner asked why had there been a reduction. Mr. Miller stated that the slow down in the economy had resulted in an overall decrease in demand for the Planning, Zoning and Building Department’s services.

Mr. Steimel noted that related, although not in the Planning and Zoning Budget, was the capital item to fund the creation of two-foot contour maps for \$160,000 which Mr. Steimel thought was important. Mr. Miller agreed that it was a smart expenditure because the County was already commissioning a fly-over of the County for the GIS system, and the contour maps could be added rather than charged the full fee for the flight. Mr. Miller also noted that the two-foot contour maps are integral to managing stormwater issues. Mr. Steimel noted that these maps were one step toward completing the Countywide water study, and as the County moved forward more funds may then become available for the water study.

PERSONNEL

Mr. Steimel opened the discussion explaining that he did not feel it was necessary to go into Executive Session unless there was any objection. Seeing none, Mr. Steimel noted that the Committee is asked to review the performance of the Planning Director on an annual basis.

Mr. Miller reminded the Committee of the components by which to use in their review first is the standard of performance which focuses on whether the Department met its mandate, and the second component is continuing education. Mr. Miller noted that the he annually attends the APA National Conference and that he also attended a conference this year on Stormwater Management.

Mr. Steimel noted that there is a merit (bonus) program which Mr. Miller has previously received. However, this year Mr. Steimel felt that the bonuses were not appropriate due to the economy.

Mr. Faivre felt that Mr. Miller might earn a bonus in the future while working with the upcoming Comprehensive Plan review.

The Committee indicated satisfaction with Mr. Miller's performance this past year.

INFORMATION ITEM

Mr. Miller explained that Christ Community Church has withdrawn their Special Use and their Site Development Permit. The project had been approved by the County Board in 2005, but no construction or earth-work had commenced.

The Committee indicated that they would look for a future resubmittal for the project.

DISCUSSION ITEM-Sandwich Intergovernmental Agreement

Mr. Steimel asked Mr. Miller to update the Committee on the Intergovernmental Agreement.

Mr. Miller explained that the County Board, at its September 17, 2008 meeting, had tabled action on the Zoning Map Amendment request of the Sandwich Park District for the Harvey Creek Conservation Area, and directed staff to draft an Intergovernmental Agreement to transfer zoning and building authority over the property to the City of Sandwich. Mr. Miller indicated that he had spoken with Mayor Thomas, who was not optimistic that the Intergovernmental Agreement would be well received. Mayor Thomas felt the park should be annexed. Mr. Miller stated he would follow up with the City once it discusses the agreement on Monday, September 29, 2008. Mr. Miller also discussed the matter with the Park District staff. A draft Intergovernmental Agreement was sent to Mayor Thomas for his consideration and use. Lastly, Mr. Miller noted the issue would go back to the County Board in October.

Mr. Steimel noted that the County Board was interested in doing what the people of Sandwich would like, Mr. Miller noted that the disposition of the neighbors was known.

Ms. Allen noted that this was the first time she changed her vote between the Committee meeting on August 27, 2008 and the County Board meeting on September 17, 2008, noting that her constituents want the park annexed to the City, rather than annex in the future a park that was designed by the County Board.

Mr. Miller noted that the Intergovernmental Agreement would give oversight to the City, however he added that the County has always had oversight.

Mr. Steimel stated that he was surprised by the response at the County Board meeting in September, given that there were no objections raised at the public hearing or Committee meeting.

Mr. Faivre asked if the Sheriff's Department had to respond to issues at the park. Ms. Allen noted that this was one of the concerns about this property regarding police enforcement. Mr. Miller stated that the intergovernmental was not currently designed to address this issue but agreed to contact the Sheriff and look into the policing issue. He opined that police powers could also be in the Intergovernmental Agreement.

Mr. Haines asked if there were any examples of similar parks within the County jurisdiction. Staff noted that there were and if those properties planned improvements they would need to approach the County as well.

Mr. Faivre also clarified that the issue would be brought back to the County Board but that the tabling was not time specific.

ADJOURNMENT

Mr. Miller also reported the that ash borer beetle traps have been installed at the DeKalb County Landfill, noting that they are checked every two weeks and that no beetles have been found. Also, he informed the Committee that Christel Springmire stated DeKalb County has begun the pilot recycling program at an apartment building, to run from August through November, and that the County was paying for the recycling while the property owners continue to pay for trash removal.

Ms. Turner then moved to adjourn, seconded by Ms. Allen, and the motion carried unanimously.

The next meeting of the Planning and Zoning Committee is scheduled for October 22, 2008 at 7:00pm in the Conference Room East.

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

RGV:rgv

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