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DeKalb County Government
Sycamore, Illinois

**Planning and Zoning Committee Minutes
(September 28, 2016)**

The Planning and Zoning Committee of the DeKalb County Board met on September 28, 2016 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Tim Bagby, John Emerson, Steve Faivre, Tracy Jones, Anita Turner, and Suzanne Willis. Also in attendance were Richard & Lissa Gum, Larry Gregersen, David Cleveland, Mark Petrowski Jr., Gary Hanson, Greg Milburg, and staff members Kevin Hickey and Marcellus Anderson.

Mr. Emerson, Planning and Zoning Committee Chairman, called the meeting to order and noted that Kevin Bunge was absent.

APPROVAL OF AGENDA

Ms. Turner moved to approve the agenda, seconded by Ms. Willis. The motion to approve the amended agenda carried unanimously.

APPROVAL OF MINUTES

Mr. Bagby moved to approve the minutes of August 24, 2016 meeting of the Planning and Zoning Committee, seconded by Ms. Willis. The motion to approve the minutes carried unanimously.

PUBLIC COMMENTS

No comments were offered.

ZONING MAP AMENDMENT - Larry & Mary Gregersen

Mr. Hickey explained that Larry and Mary Gregersen own a 47-acre property located at 7617 Johnson Road in Shabbona Township. The subject property is zoned A-1, Agricultural District except for one (1) acre, which is zoned RC-1, Residential Conservation District. The Gregersens filed an application for a Zoning Map Amendment to rezone the one (1) acre portion to the A-1 District to make it consistent with the rest of the property.

The required public hearing was held on August 25, 2016 by DeKalb County Hearing Officer Dale Clark. The petitioner provided testimony and exhibits in support of the requested Zoning Map Amendment. No members of the public spoke in opposition to or in favor of the petition.

The Hearing Officer has submitted his findings, and recommended approval of the Zoning Map Amendment. The Planning and Zoning Committee was requested to make a recommendation to the full County Board on the requested Zoning Map Amendment in the form of an ordinance. The Committee could recommend approval, approval with conditions, or denial of the request.

Mr. Jones inquired what would be the advantage for the Gregersens to have the rezoning. Mr. Hickey responded that the rezoning would allow Mr. Gregersen to finish his house without having to constantly renew the building permit and that it would advantage the County by “down-zoning” the parcel to A-1, thereby bringing it into conformity with the goals of the Comprehensive Plan.

Mr. Faivre moved to recommend approval of the Zoning Map Amendment, seconded by Mr. Bagby, and the motion carried unanimously.

SPECIAL USE PERMIT - Richard & Lissa Gum

Mr. Hickey explained that Richard and Lissa Gum filed an application for a Special Use Permit for a gun club to accommodate trap shooting and a clubhouse on property located at 33380 Pierce Road in Kingston Township (P.I.N.s: 02-13-300-014; & 02-13-100-008). The 43.74-acre property is zoned A-1, Agricultural District.

The required public hearing was held on September 8, 2016 by DeKalb Hearing Officer Ron Klein. The petitioners provided testimony and exhibits in support of the requested Special Use, explaining that they had been operating a hunting and game preserve on the property (which is a permitted use in the A-1 District), and wanted to add a trap shooting range and clubhouse. The petitioners explained that they wanted to offer a summer and winter trap league. The petitioners added that they would also like to offer “warm-up” shooting to the hunt club member prior to schedule hunts. Four (4) members of the public spoke and one (1) letter was received in opposition to the request, and three (3) members of the public and one (1) letter was received in favor of the petition.

The Hearing Officer submitted his findings, and recommended approval of the Special Use Permit with conditions. The Planning and Zoning Committee was requested to make a recommendation to the full County Board on the requested Special Use Permit in the form of an ordinance. The Committee could recommend approval, approval with conditions, or denial of the request.

Ms. Turner inquired whether any mention of property values was brought up during the hearing, and Mr. Hickey responded that it had not been brought up.

Ms. Turner also inquired as to the loudness of the shotguns to be used, in particular, the idea that the trap league was proposed to run until 9:30 pm on Wednesdays. Mr. Petrowski also noted that

9:30 pm seemed rather late, and asked whether they could start and thus end earlier. Ms. Turner responded that she understood the start time was based on when people got out of work. Ms. Willis inquired as to why did it have to occur on Wednesday night.

Ms. Willis and Mr. Petrowski expressed concern about the petitioners also wanted to offer warm up shooting to the hunt club members, which would occur at 8:00 am and 12:00 pm. Mr. Hickey explained that the Hearing Officer did not really address that issue due to hunting being a permitted use.

Ms. Willis inquired whether the annual lead testing proposed by the DeKalb County Soil and Water District (DCSW) was to be a condition of the approval. Mr. Hickey answered that the petitioners had agreed to do the testing, but that a requirement that the testing be done, as suggested by the DCSW, could be added as a further condition of the Board's approval.

Mr. Bagby asked whether the issue of the sign that had been placed in the right-of-way had been resolved. Mr. Anderson answered that the sign could not remain in the right-of-way and would have to be removed.

Mr. Emerson inquired whether they could start earlier. Mr. Gum answered that they have a hard time getting people there earlier than 4:00 pm. Mrs. Gum offered that they could change the end time to 9:00 pm, though it would be tough to get through all of the teams in that time frame. Ms. Willis noted that ending at 9:00 pm would be better.

Mr. Bagby noted that the Hearing Officer recommendation did not identify which night would be the makeup night. Mr. Hickey answered that staff had recommended to the Hearing Officer that possibly Friday or Saturday evening, but that it was felt that it should be the Committee's decision. Mr. Gum commented that the makeup night does not run as late as the regular night, because usually only a small number of the members would not have shot on the regular night. He added that the makeup night is usually over by 7:00 pm. Mr. Bagby inquired whether Saturday would make a good makeup night, and Mr. Gum answered that their membership is usually not available on weekends. Staff also noted the problem with choosing a specific makeup night is that the chosen night might also be unworkable due to bad weather. Ms. Willis suggested that the makeup night not be limited to Saturday, but the next clear night in regards to weather.

Mr. Jones commented that changing the end time to 9:00 pm was a good idea.

Mr. Cleveland, who was the writer of the letter in opposition to the Special Use, was asked his opinion of the discussed changes. Mr. Cleveland indicated that he did not have an issue with the 9:30 pm time, and added that he had spoken with Mr. Gum, who had agreed to plant a line of trees between the trap range and the Pine Ridge Subdivision. Mr. Gum confirmed this, and added that he had already begun planting said trees to the east of the trap range.

Ms. Willis inquired if the lights were pointed towards the Pine Ridge Subdivision, and Mr. Gum responded that they were directed solely at the trap range.

Staff confirmed that a motion to approve would include the following conditions, in addition to those proposed by the Hearing Officer: a line of trees would be planted to the east of trap range; the annual lead testing, as suggested by the DCSW; the trap league regular Wednesday night will end by 9:00 pm; and, the makeup day will end no later than 7:00 pm.

Mr. Faivre moved to recommend approval of the Special Use Permit, with conditions, seconded by Ms. Willis, and the motion carried unanimously.

POSSIBLE ZONING TEXT AMENDMENTS

Mr. Hickey explained that an issue that had been brought to staff's attention (during Mr. Paul Miller's tenure) was that compliance with building regulations was most difficult when an existing structure, especially one that was originally designed for agricultural use and therefore was constructed without any building inspections, was proposed to be put to a new use that is not agriculture. He explained that the costs of meeting commercial standards, as is required when an agricultural building is to be used for a business, can be prohibitive. This is especially true of compliance with life-safety regulations (sprinklers). Faced with such costs and practical difficulties, some business owners may choose not to locate in the unincorporated areas of the County. These concerns were presented to the Committee by Mr. Miller at its August 24, 2016 meeting, and resulted in the Committee directing staff to prepare language for consideration at its next meeting, and if that language was acceptable, it would direct staff to pursue a Text Amendment to add the proposed language to the County Code.

Mr. Hickey presented Mr. Miller's draft for consideration by the Committee as an amendment to Article 14 of the County Code:

A person desiring a building permit required by the building codes who finds it impractical, impossible, or cost-prohibitive to retrofit an existing building or structure in the agricultural district to meet one or more applicable code regulations for a proposed business may petition the Planning and Zoning Committee of the DeKalb County Board for a waiver of the provision(s) under issue. The petitioner shall provide an assessment of why the standard cannot be met (costs, physical impracticality, etc.), as well as an alternative(s) designed by a licensed professional architect, engineer, or other certified professional that can be said to meet the intent, if not the letter, of the building regulation under consideration. Without the need for a public hearing, the petitioner may appear before the Committee, which after considering the waiver request and the evaluation and recommendation from County staff on the issue, may by majority vote grant, grant with modifications, or deny the waiver

request. A record of the request and decision shall be included as part of the building permit records.

Mr. Hickey added that staff recommended that the proposed waiver requests have a fee of \$200, and that submission of any such request be required to occur at least one (1) week prior to the distribution of the Planning & Zoning Committee's packet and agenda.

Mr. Hickey also noted that staff recommended an additional housekeeping item, in the form of the removal of Section 14-2 of the County Code, regarding development located in the F-1 District, as those regulations are obsolete, and to renumber the subsequent sections.

Mr. Faivre inquired whether these amendments would be added to the proposed amendments in Petition DC-16-04. Mr. Hickey responded that they would be a separate petition.

Mr. Jones moved to direct staff to seek a text amendment to Article 14, seconded by Ms. Turner, and the motion carried unanimously.

ZONING TEXT AMENDMENTS – PETITION DC-16-04

Mr. Faivre moved to postpone discussion of the proposed text amendments until the January 2017 Committee meeting, seconded by Mr. Jones, and the motion carried unanimously.

UPDATE ON PLANNING DIRECTOR RECRUITMENT

Gary Hanson, the DeKalb County Administrator, informed the Committee that 17 applications had been received by the time the positing for the vacant DeKalb County Planning Director position closed on Friday, September 23, 2016, and that the sub-committee had narrowed the list down to five (5) candidates for interviews.

Mr. Hanson stated that he wanted to confirm a date on which the interviews would occur. He suggested Tuesday, October 11, 2016, from 8:30 am to 3:30 pm in the East Conference Room of the County Administration Building. This would allow for approximately one (1) hour per interview with a 15 minute assessment session between, and a break for lunch. The Committee indicated that the proposed date was acceptable.

Mr. Hanson also stated that he would be contacting the applicants on Thursday, September 29, to get them scheduled for the interviews.

OTHER BUSINESS

No comments were offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet Wednesday, October 26, 2016 at 7:00 p.m. in the Conference Room East.

Ms. Turner moved to adjourn, seconded by Mr. Jones, and the motion carried unanimously.

Respectfully submitted,

John Emerson
Planning and Zoning Committee Chairman

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