

# DRAFT

## PLANNING AND ZONING COMMITTEE MEETING MINUTES April 25, 2012

The Planning and Zoning Committee of the DeKalb County Board met on April 25, 2012 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, Dan Cribben, John Emerson, and Pat Vary. Also in attendance were James Patterson, Peter Smith, Barbara Andree, Roger Craigmile, Judy Svendsen, Harold Svendsen, Cormel Ricknor, Susan Ricknor, Stephen R. Lake, Dawn Fritsch, Jim Fritsch, Greg Millberg, Jode Batron, Kimberly McInerney, Sharon Stewart, John Dickerman, James Blechschmidt, Anastasia Blechschmidt, Camilla Boston, and Wayne Davey Planning, Zoning and Building Department staff members Paul Miller and Rebecca Von Drasek.

Ken Andersen, Planning and Zoning Committee Chairman, called the meeting to order and noted that John Hulseberg, Ruth Anne Tobias and Jeff Whelan were absent.

### APPROVAL OF AGENDA

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

### APPROVAL OF MINUTES

Ms. Vary and Mr. Andersen noted minor misspellings on page four of the minutes of the March 28, 2012 meeting of the Planning and Zoning Committee.

*Mr. Cribben moved to approve the amended minutes of the March 28, 2012 meeting of the Planning and Zoning Committee, seconded by Mr. Emerson, and the motion carried unanimously.*

### AMENDMENT TO A SPECIAL USE PERMIT

Mr. Miller explained to the Committee that Gregg Larson, representing the property owners, has filed an application for Amendments to a Special Use Permit for the Stonehouse Park RV Campground. The request includes a reduction in the number of cabins to be constructed, allowing for year-round use and storage of RVs and container trailers, and a revised construction schedule for use of existing structures on the subject property. 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 and agritainment use.

The required public hearing was held on February 9, 2012 by DeKalb County Hearing Officer Ron Klein. The Hearing Officer submitted his findings and recommends approval of the Special Use Permit with a number of conditions. The Planning and Zoning Committee discussed the application at its meeting of February 22, 2012 and focused on the recommended conditions of approval. The petitioners indicated they could not continue to operate with a restriction of not more than 500 persons per event, nor with a restriction that all required permits be issued prior to any future activities taking place on the property. Committee members also discussed different

restrictions on noise, including requiring that no shooting associated with military reenactment events occur after sunset. The maximum number of events permitted to be held annually on the property was also disputed. The Committee concluded its deliberations by remanding the application back to the Hearing Officer to re-open the public hearing and take additional testimony, both from the petitioners and the public, on the possible conditions of approval for the Amendment to a Special Use Permit.

Accordingly, staff caused to be published a new notice of public hearing to announce the re-opened public hearing. Letters to surrounding property owners and affected public officials and bodies were also mailed. The hearing was re-opened on March 29, 2012. The petitioners testified as to their reasons for allowing more than 500 persons per event held on the property, and their inability to adhere to a condition that prohibits events on the property until all required permits have been issued. The petitioners also responded to comments related to providing security and law enforcement on the property. The Hearing Officer received a petition of opposition to the request, signed by 187 persons, and a petition signed by 40 persons living within two miles of the subject property indicating that the petitioners have never contacted them about the use. Five letters in opposition to the request were also received. Five members of the public spoke in opposition, three spoke in favor, and several asked questions or made observations about the proposal.

Mr. Miller noted that the Hearing Officer has submitted supplemental Findings of Fact, dated March 30, 2012 and has again recommended approval of the Amendment to the Special Use Permit, with modified recommended conditions. These include allowing a maximum of 2,000 persons per event, prohibiting shooting after dark, and prohibiting loud noise after 12:00 a.m.

Mr. Andersen read a prepared statement in which he detailed his conclusion that the Amendment request should be denied. He stated that the use would dominate the area and diminish property values. He said he believed in majority rule and felt that the majority of surrounding property owners oppose the use. Mr. Andersen was concerned for health and safety of individuals visiting the property. He also suggested that the County should require a performance bond for the Sheriff's services if the Amendment was approved. He concluded that there was not an economic reason for the County to allow the use to continue.

Mr. Emerson agreed with Mr. Andersen and stated that he was against the use.

Mr. Cribben also agreed with Mr. Andersen's concerns. He noted he was a resident of the area and asserted that the use did not reflect the values of the area.

Ms. Vary stated that the noise, drugs arrests, and the lack of adequate security were the reasons that she felt that the use should not be allowed. She thought that the use had potential for bringing tourism to the County but that the events held on the property were not well managed. She noted that the web site continues to advertise music events with music past midnight. She concluded that the operators failed to do what they said they would and this was the reason she would vote against the use.

*Mr. Andersen moved to recommend denial of the Amendment to the Special Use, seconded by Mr. Cribben, and the motion passed unanimously.*

Mr. Andersen recognized Mr. Larson, who asked procedurally what his options were to change the application to drop music events from the slate of possible activities on the property. Mr. Andersen responded that the petitioners could withdraw the application and resubmit or they could ask the County Board to direct the issue back to the Hearing Officer rather than vote on the Ordinance denying the use.

*Ms. Vary moved to return the Amendment request to the Hearing Officer to re-open the public hearing and allow the applicants to revise the proposal. The motion failed for lack of a second.*

Mr. Andersen noted that the County Board would vote on the issue at its next meeting, May 16, 2012.

### **SPECIAL USE PERMIT**

Mr. Miller explained to the Committee that Franklin Township has filed a petition for a Special Use Permit in order to add a new building to its property located at the northeast corner of State Rt. 72 and Irene Road in Franklin Township. The subject property is zoned A-1, Agricultural. Government buildings are a possible Special Use in the A-1 District.

The required public hearing was held on April 5, 2012 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that a new building, not larger than 45' x 120', would be constructed on the subject property as a new Township office/garage. A portion of the parking area would be paved, while the rest remained in gravel. Waivers of curbing and landscaping requirements would be requested. Discussion was held concerning stormwater management on the site, with one adjoining property owner complaining that runoff from the Township property already floods the adjacent farm field. Staff noted that the difference in runoff before and after the building is constructed is negligible, and that the Township is required to accommodate additional runoff but cannot be required to fix an existing stormwater problem. Discussion was also held regarding the required number of parking spaces, with staff noting that either  $\pm 17$  spaces must be provided, or the Township must seek a Variation from the parking regulations. One member of the public spoke in opposition to the request and none spoke in favor. The Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit with conditions.

Mr. Andersen disclosed that the petitioner, Franklin Township Road Commissioner Jim Patterson, was his brother-in-law, and offered to recuse himself if anyone objected to his voting on this issue. He asserted that he would not be biased in his decision. No one objected.

Ms. Vary inquired about the wetland on the neighboring property. Staff responded that one of the Hearing Officer's conditions attempted to address drainage concerns.

Mr. Emerson stated that he did not think that water runoff from the property would be an issue.

*Mr. Cribben moved to recommend approval of the Special Use, seconded by Ms. Vary, and the motion passed unanimously.*

Mr. Andersen stated that the County Board would vote on the issue at its next meeting, May 16, 2012.

### **DISCUSSION ITEM – Landfill License Fee**

Mr. Andersen explained that following last month's discussion about the annual landfill license, the Committee had directed staff to research the fee and report back to the Committee.

Ms. Vary asked Mr. Miller the estimated staff cost for processing the annual license. He estimated the cost to be \$200.

*Ms. Vary moved to direct staff to create an Ordinance increasing the landfill licensing fee to \$200, seconded by Mr. Cribben, and the motion passed unanimously.*

### **MONTHLY REPORT**

The Committee briefly discussed the Monthly Report and noted the increasing number of Building Permits made in March compared to the same period in 2011.

### **PUBLIC COMMENTS**

There were no comments offered.

### **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet May 23, 2012 at 7:00 p.m. in the Conference Room East.

*Mr. Emerson moved to adjourn, seconded by Ms. Vary, and the motion carried unanimously.*

**Respectfully submitted,**

**Ken Andersen**  
**Planning and Zoning Committee Chairman**

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