

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
August 22, 2012**

The Planning and Zoning Committee of the DeKalb County Board met on August 22, 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, John Hulseberg, Ruth Anne Tobias and Jeff Whelan. Also in attendance were John Dickerman, Caroline Quinlan, Tom Choice and Kayte Hamel with Kishwaukee College, Steve Cecchin, and 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 Committee member Pat Vary was absent.

APPROVAL OF AGENDA

Mr. Emerson moved to approve the agenda, seconded by Mr. Whelan, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Hulseberg moved to approve the minutes of the July 25, 2012 meeting of the Planning and Zoning Committee, seconded by Ms. Tobias, and the motion carried unanimously.

ZONING TEXT AMENDMENT

Mr. Miller explained to the Committee that Kishwaukee College has filed a request for a Zoning Text Amendment to Article 7, the Sign Regulations of the DeKalb County Zoning Ordinance, to allow signs with changeable copy for educational institutions with an annual enrollment of 5,000 or more. Signs with changeable copy are currently prohibited by the sign regulations. The College is located at the northwest corner of Malta Road and State Rte. 38 in Malta Township and is zoned A-1, Agricultural District with a Special Use for government buildings.

The petitioner is proposing to implement a campus-wide sign program that includes new identification signs on the perimeter of the campus and new directional signs throughout the interior. The proposed primary identification sign includes a panel for electronically-changeable copy. However, Section 7.05.J. of the Sign Regulations specifically prohibits "... signs with changeable copy or changeable sign face by electronic or mechanical means..." In order to allow the proposed identification sign, the petitioner is requesting that the Zoning Ordinance be amended to add a provision that allows such signs, "for educational institutions with an annual enrollment greater than 5,000."

The required public hearing for the Zoning Text Amendment was conducted by Hearing Officer Ron Klein on August 9, 2012. The petitioner testified that the amendment is needed in order to allow the primary sign for the College to include various messages throughout the year. Such

changeable copy is needed because of the wide range of activities and users who come to the campus. The amendment, as proposed, would apply only to Kishwaukee College. Staff cautioned that even with language that makes the exception from the prohibition on changeable copy applicable only to the College, other entities may seek similar signs. No members of the public spoke in favor of or in opposition to the request.

The College also requested several Variations from provisions of the Sign Regulations to accommodate the proposed sign program. These Variations were also considered by, and granted by, the Hearing Officer. The County Board does not need to take any action with respect to the Variations.

The Hearing Officer has filed his report and findings, and recommends approval of the Text Amendment. Mr. Miller explained that the Planning and Zoning Committee is requested to review the petition, and the report and recommendation of the Hearing Officer, and forward an ordinance to the full County Board for action either recommending approval, approval with changes, or denial of the request to amend the text of the sign regulations.

Mr. Andersen announced that he has been an instructor at the College and is currently on an advisory committee for Kishwaukee College. He asked if anyone objected to his voting on the issue; no objection was made.

Mr. Whelan asked about the size of the electronic sign. Mr. Miller reported that the sign was proposed to be 159 square feet.

Mr. Emerson observed that the proposed sign was not as large as the NIU Convocation Center sign.

Mr. Miller noted that the signage was approved for Variations because the Hearing Officer found that the College was unique and that it was a hardship if the Variations were not granted because the College needed to inform a large number of people coming in and out of the campus.

Mr. Whelan asked about the speed the text would change on the sign. Mr. Miller responded that the timing of the text would be determined by the sign manufacturer so that it could be read by motorists.

Mr. Hulseberg stated that Kishwaukee College was a valuable institution within the County and the Committee agreed.

Mr. Cribben noted that the half-inch Variations originally requested were not approved. Mr. Miller clarified that the signs were only in the design phase and there was not a specific desire or need to exceed the County's regulations, therefore the College agreed that the signs could be kept to eight feet as required. The Hearing Officer concurred and denied those minor Variations.

Mr. Hulseberg moved to recommend approval of the Text Amendment allowing for electronically-changeable copy signs for educational institutions with an annual enrollment greater than 5,000, seconded by Ms. Tobias, and the motion passed unanimously.

DISCUSSION ITEM – Stonehouse Park Special Use Permit

Mr. Miller explained to the Committee that the DeKalb County Board approved Ordinance 2012-09, granting an Amendment to a Special Use Permit for Stonehouse Park in Paw Paw Township, on May 16, 2012. The Ordinance includes several conditions of approval, one of which relates to the financial ability of the operators to complete improvements as shown on the plans submitted for the RV camp and large-scale “agri-tainment” use. Mr. Miller read the requirement, Condition #2 under Section Three:

The petitioners shall provide proof to the DeKalb County Planning, Zoning and Building Department within 90 days of the date of this Ordinance of adequate financing to complete the improvements shown on the amended Site Plan for the Special Use Permit.

He noted that the 90-day period ended on August 14, 2012. Mr Miller explained that Steve Cecchin, Stonehouse Park, visited the Planning, Zoning and Building Department on August 14 and submitted a letter from First State Bank. Staff reviewed the letter in the light of the condition set forth in Ordinance 2012-09, and consulted with the State’s Attorney’s Office regarding whether or not the letter was adequate to meet the obligation. It was determined that the letter did not constitute “proof ...of adequate financing”.

Mr. Miller clarified that Section 9.02.B.10 of the DeKalb County Zoning Ordinance allows that the County Board shall have the authority to revoke a Special Use Permit after affording the permittee the right to be heard. He stated that the Committee was being asked to determine whether Condition #2 of Ordinance 2012-09 has been met, and if not then to consider if the Committee should recommend that the Special Use Permit should be revoked by the County Board at its September 19, 2012 meeting.

Mr. Andersen inquired why there was a financial requirement as part of the Special Use Permit. Mr. Miller explained that the condition was addressing the Hearing Officer’s and County Board’s initial concerns that the applicant was not financially capable of completing the improvements proposed for the Special Use. Mr. Andersen asked if it was comparable to a performance bond, Mr. Miller labeled it a performance standard.

Mr. Andersen invited Mr. Cecchin to present any information to the Committee related to the issue of compliance with the terms of the Special Use Permit.

Mr. Cecchin explained that the Stonehouse Park business loan was called due by the bank not because of lack of payment but because the bank, Farmers & Traders, called all its loans due right before being closed by the FDIC. Mr. Cecchin emphasized that as soon as the loan was called, Stonehouse Park made applications at five banks. He argued that those banks stated that they would respond once the zoning issues were resolved. Mr. Cecchin stated that an investor was also interested in joining Stonehouse Park to use the property as a yoga retreat location. Mr. Cecchin pointed out that it takes time to get a loan and that by September 19, 2012 it might be possible to have a loan commitment. He indicated that he and his partner were continuing to

work with First State Bank and that they were busy preparing a revised application to extend the Special Use Permit beyond February, 2013.

Ms. Tobias asked if the new investor was involved with getting the loan. Mr. Cecchin affirmed the investor would become a part owner in Stonehouse Park and would be part of their future loan.

Mr. Hulseberg asked if staff had received any complaints about events held at the park. Mr. Miller noted that a few calls were received but there were no reports of violations of the Ordinance. Mr. Hulseberg inquired if there were more events scheduled for this Summer. Mr. Cecchin replied that there are four more events scheduled at the park.

Mr. Whelan asked how far along the construction and the proposed improvements were at the park. Mr. Cecchin stated that they elected to not start any projects while the ownership issues are being resolved.

Mr. Cribben inquired as to who is the current owner of the property following the Sheriff's sale. Mr. Cecchin responded that the First State Bank owns the property, and that his business was still in possession of the property.

Mr. Hulseberg asked if it would be appropriate to go into Executive Session. Mr. Miller responded that Executive Session was not on the agenda, and the discussion of the zoning issue may not be permitted under the Executive Sessions rules. Mr. Miller suggested that, if needed, the issue could be tabled to a future meeting.

Mr. Cribben asked if the bank was to ask Stonehouse Park to voluntarily vacate the property would they hesitate to cooperate. Mr. Cecchin noted that until required by law to vacate they intended to occupy the property.

Mr. Whelan wondered if the County Board were to pass the revocation of the Special Use would Stonehouse Park be required to cease operation immediately. Mr. Miller responded that if the Special Use is revoked, operations are required to cease. Only those uses permitted in the A-1, Agricultural District would be permitted on the property.

The Committee briefly debated the options for action on the issue, including recommending revocation of the Special Use, with the caveat that proof of financial wherewithal be submitted before the September 19, 2012 meeting of the County Board, or tabling the issue.

Mr. Cribben asked for Mr. Miller's opinion on the issue. Mr. Miller recommended that the Special Use Permit be revoked, as the petitioner's history with the County has been a string of broken promises. He suggested that at some time, the County must conclude that the recipient of a Special Use Permit cannot perform.

Mr. Cribben moved to recommend revocation of the Special Use Permit, seconded by Mr. Emerson, and the motion passed with four in favor (Whelan, Cribben, Emerson and Anderson), and two opposed (Tobias and Hulseberg).

The Committee agreed that if Stonehouse Park was able to provide a evidence of financing prior to the County Board meeting on September 19, 2012 there could be a motion at that meeting to remove the Ordinance revoking the Special Use from the County Board agenda.

MONTHLY REPORT

The Committee briefly discussed the Monthly Report.

Mr. Andersen informed the Committee of the upcoming Zoning 101 Seminar on Saturday, September 15, 2012 at 9 a.m. in the Gathertorium.

PUBLIC COMMENTS

There were no comments offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet September 26, 2012 at 7:00 p.m. in the Conference Room East.

Mr. Whelan moved to adjourn, seconded by Mr. Hulseberg, and the motion carried unanimously.

Respectfully submitted,

Ken Andersen
Planning and Zoning Committee Chairman

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