

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

The Planning and Zoning Committee of the DeKalb County Board met on February 22, 2012 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Dan Cribben, John Emerson, John Hulseberg, Ruth Anne Tobias, Pat Vary, and Jeff Whelan. Also in attendance were Gregg Larson, Steve Cecchin, Sharon Stewart, Roger Craigmile, Mel Hass, and Planning, Zoning and Building Department staff members Paul Miller and Marcellus Anderson.

John Hulseberg, Planning and Zoning Committee Vice-Chairman, called the meeting to order and noted that all members except Ken Andersen were present.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

*Mr. Emerson moved to approve the minutes of the January 25, 2012 meeting of the Planning and Zoning Committee, seconded by Mr. Whelan, and the motion carried unanimously.*

**PLANNED DEVELOPMENT - COMMERCIAL**

Mr. Miller reviewed the fact that the Planning and Zoning Committee had discussed at its meeting of January 25, 2012 the application by Randy Ullrich for approval of a Planned Development - Commercial. The subject property is located at 16847 State Rte. 23 in unincorporated Afton Township, and is zoned PD-C. The proposal was to allow the existing tenant on the property, New South Mats, to sub-lease the property as a vehicle and equipment storage and staging yard.

The DeKalb County Hearing Officer had recommended denial of the request, on the grounds that the applicant had provided insufficient information to justify approval of a PD-C on the property. The Committee reviewed the application and the Hearing Officer's recommendation and considered the applicant's arguments regarding the costs of developing plans and constructing improvements to the property. The Committee voted to table action on the request to its meeting of February 22, 2012 in order to give the applicant time to either withdraw the application, or submit new information which would allow the application to be returned to the Hearing Officer for further consideration.

Mr. Hulseberg noted that staff had received on February 14, 2012 an e-mail from Randy Ullrich withdrawing the application and asked Mr. Miller whether the applicant had submitted final payment for the application, and to elaborate on the current status of the application. Mr. Miller

replied that the applicant had made final payment. He added that the withdrawal of the application halts the review and approval process, and no further action by the Committee is required.

Mr. Whelan inquired whether Mr. Ulrich's withdrawal would affect his ability to reapply in the future. Mr. Miller replied that it would not.

Mr. Hulseberg asked if staff would be sent out to conduct a site inspection of the property. Mr. Miller stated that staff had already been by the property and that most of the ComEd equipment had been removed. He added that staff would also be revisiting the site on to determine the status of the remaining equipment.

### **AMENDMENT TO A SPECIAL USE PERMIT**

Mr. Miller informed that Committee that Gregg Larson, representing the property owners, had filed an application for Amendments to a Special Use Permit for the Stonehouse Park RV Campground. The request included 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.

Mr. Miller explained that the required public hearing was held on February 9, 2012 by DeKalb County Hearing Officer Ron Klein. The petitioner provided evidence, testimony and exhibits for the proposed changes to the Special Use Permit governing the RV camp/agritainment use. Changes which included: reducing the number of proposed cabins from 25 to six; dropping the eastern 15-acre parcel from the Special Use; implementing security and law enforcement recommendations from the DeKalb County Sheriff related to uses that draw large numbers of persons to the property; enforcing noise restriction hours on the property; a new construction schedule for proposed improvements; allowing RVs to remain on site all year but in use not more than 250 days per year; and dropping the Old Rollo School House from the Special Use. The petitioner asserted that the requirements of the DeKalb County Health Department would be met, that construction materials would be removed at the end of construction, that a storage area for portable sanitary units would be established and fenced, and that construction trailers on site would be removed.

Mr. Miller explained that the reason the Amendment to the Special Use is needed is because the petitioner did not complete construction within three years of approval of the project as required by the Special Use Ordinance, and because of evidence of use of existing buildings for activities without the required ordinances to assure compliance with public health, safety and welfare standards. He also stated that staff was concerned that the new promises being made by the petitioner were like the old promises, which had not been kept, and noted that the financial status of the use was in question. Staff also questioned whether the petitioner's proposal to allow construction trailers and RVs to remain on site year-round as housing for employees and

temporary food service would be an improvement over the historic, unkempt appearance of the subject property.

Mr. Miller pointed out that the Hearing Officer has submitted his findings and recommended approval of the Special Use Permit with a number of conditions. Key conditions related to providing proof of adequate financing by the petitioner, limiting the size and number of activities that take place on the property, imposing a no noise restriction after 12:00 a.m., and prohibiting use of the property for the various activities until all required County permits are issued. Mr. Miller added that if the Committee felt it appropriate, due to issues raised during their discussion of the matter, it could also send the matter back to the Hearing Officer to allow the petitioners to submit further information and to allow the public an opportunity to respond and comment on that information.

Mr. Hulseberg suggested that the Committee address each of Hearing Officer's recommended conditions one by one, but first opened the floor for any opening statements by the Committee members.

Mr. Emerson noted that the neighbors weren't happy and wanted to know how the petitioners planned to address their concerns.

Mr. Whelan informed the Committee that he had attended a portion of the public hearing and that concerns regarding noise and traffic had been brought up.

Ms. Vary noted that the issue is very complicated, but that the use was a desirable one and that she hoped that some compromise could be worked out.

Ms. Tobias asked what kinds of events held at the park would draw an attendance by 4,000 people. Mr. Larson responded that they host a variety of events, such as last year's Pagan Spirit Gathering, which drew people from about a half-dozen countries, and that they were currently in talks with an "ironman" style competition called "The Savage Race", which regularly draws 3,000 to 5,000 people. Mr. Cecchin added that "The Savage Race" had been referred to them by the DeKalb Tourism Board, and that the 4,000 figure came from their efforts to see if they could accommodate such an event. Mr. Larson noted that in the past, they've hosted upwards of 250 recreational vehicles (RVs) onsite, along with numerous cars, and that the park still was not full, and that even with a 1,000 people on site, one could hardly tell they were there.

Ms. Vary noted that she had counted only 75 parking spots and 5 handicap accessible spots, and wondered about the parking for larger events. Mr. Miller responded that the 2008 ordinance required the construction of a parking lot, which had been completed. He noted however that most RVs did not park in the parking lot, but within the grassy areas. He also noted that no requirement had been made in the special use requiring designation of specific camp sites within those areas, and that staff had no way to evaluate the maximum number of vehicles that could be accommodated therein.

Ms. Tobias inquired whether RV camping was allowed without events going on. Mr. Larson stated that they had closed seasonal RV camping in the summer of 2009, with the exception of a

few long term residences who were allowed to stay until 2010. He added that they don't allow camping on the weekends, but if someone were to show up to camp during the week, they would not necessarily turn them away, but they are trying to get away from that. He also noted that three park owned RVs, which the staff stays in during the summer months, are kept onsite to allow for 24 hour coverage of the park.

Mr. Whelan inquired about the reports of gunfire and the kinds of re-enactments that occur on the site. Mr. Larson responded that one of the original uses envisioned for the park was as a site for medieval, Civil War, and World War I re-enactment events. He noted that since opening, they had hosted groups a variety of battle re-enactments, and that he suspects that the reports of shots fired would have come primarily from the World War II groups, which used blanks and actual military vehicles and equipment. He stated that he believed they have had only three (3) events over the past three (3) years where shots were fired after dark.

Mr. Hulseberg asked the Committee for consideration of the Hearing Officer's recommended conditions of approval.

Condition 1: that proof be submitted to the DeKalb County Zoning Department by the petitioners within 90 days that they have adequate financing in place to complete the improvements that must be made. Mr. Miller noted that the property had appeared on the Tax Sale list, and then been subsequently removed. A representative from the bank had attended the public hearing and made comments that raised staff's concern about whether the park will be able to secure the necessary financing it needs. Mr. Cecchin stated that they had been in touch with various banks that would probably give them the necessary financing, however, those institutions were waiting to see the results of the proceedings before would commit to anything. He also noted that they were applying to a program through the USDA that could also provide them with funding, but that it would take time to receive an answer. Mr. Miller asked the petitioners if they feel that they could meet the condition, further clarifying that if they failed to provide such proof within that 90 days, the special use would expire and no longer exist. Mr. Cecchin responded that he believed they could, and understood the potential consequences if they failed to do so. Mr. Cecchin added that he had been informed by the banks that the types of loan they were applying for could take 60-120 days to process. He then asked if they could have up to 120 days, if the banks had not responded by the 90 day time limit. Mr. Miller noted that the 90 day limit had been suggested by the Hearing Officer and that the Committee could decide whether to go with 90 or 120 days. Ms. Tobias stated that given that the loan would have to be going through the USDA, that increasing the time limit to 120 days would not be an unreasonable.

Condition 2: Compliance with the recommendations put forth in a letter from the DeKalb County Health Department (DCHD) dated February 3, 2012. Mr. Hulseberg asked the petitioners if they had reviewed the suggested recommendations. Mr. Cecchin and Mr. Larson responded that they had met with DCHD regarding the recommendations and that they would be able to comply with all of the suggested conditions.

Condition 3: Compliance with the recommendations of the DeKalb County Sheriff's Office. Mr. Cecchin noted that they had already met with Sheriff Scott, and that his recommendations were based on the steps they had mutually agreed should be taken to address the concerns that had been raised, thus, they had no problem complying with those recommendations.

Condition 4: The bridge to the 15 acre parcel is not to be constructed. The petitioners voiced no objection to this condition. Mr. Miller noted that he had been given the impression that a footbridge already existed there. Mr. Larson replied that during the World War II events, a plank would be placed across the creek, but that it is not a permanent structure. Ms. Vary inquired as to the reason for this condition. Mr. Miller responded that it was to discourage patrons of the park from using the 15 acre parcel which would no longer be a part of the special use.

Condition 5: Limit the maximum number of people attending park events to 500. Mr. Larson stated that they would not even be able to stay in business with a limit that low. Mr. Cecchin added that most of their events have had at least 500 to 1,000 people in attendance, and that is with the park in its current condition. He expressed that when completed, it would likely draw far greater numbers. Mr. Hulseberg noted that Condition A of the 2008 ordinance (2008-15) allowed for 200 RV campsites, and asked Mr. Miller if he could elaborate on how that number related to the total number of people allowed to attend events under that ordinance. Mr. Miller explained that some discussion was had regarding limiting attendance numbers, but that no such condition was attached to the 2008 ordinance. He pointed out that the Hearing Officer regarded the petitioners' proposed attendance maximum of 4,000 persons to be excessive, a sentiment with which the surrounding property owners appeared to agree. Ms. Vary stated that she felt that 500 was too small, and suggested a maximum of 1,500. Ms. Tobias asked if the neighbors could see into the property. Mr. Larson replied that only the Fosters (the immediate neighbors to the west) could see into the property, and that they were proposing to construct a fence along their shared property line. Mr. Larson noted that even when they have had upwards of 2,000 attendees on site, their presence was not noticeable, with all vehicles easily held onsite. Mr. Larson elaborated that when they applied for the 2008 ordinance, they had envisioned about 2,000 people, approximately 10 persons per campsite. He added that since then, they had approximately doubled the number of campsites they have and he would open to going back to a public hearing so that he could submit a plan showing the ground space, the roads, the campsites, and how many people could fit in each area. Mr. Cecchin also inquired whether they could possibly designate between a limited number of larger single day events (4,000) versus smaller week long events with RVs and overnight camping (2,000).

Mr. Whelan noted that the Sheriff would like to be notified about upcoming events, and inquired whether the petitioners would be able to do so. Mr. Cecchin responded that they already did for all open, public events with an expected attendance of more than 500. Mr. Hulseberg inquired if they had hired any deputies for these events. Mr. Cecchin replied that it was one of the things they discussed with the Sheriff when they met with him. Mr. Larson clarified the difference between public events, for which tickets are sold and the sheriff is notified, and private events, such as weddings, which are policed by the people hosting the event. He added that their

discussion with the Sheriff resulted in an agreement where the Sheriff's department would be called in, if available to do so, to help police any large scale event, with the Park covering their costs to do so.

Mr. Cecchin informed the Committee that the 2,000 person figure was originally reached after his discussions with the DCHD in the year 2000. He stated that at that time he was told the park capacity was based upon the number of available restrooms, and that given what they had available at that time, approximately 2,000 people could be accommodated.

Condition 6: No loud noise, music, or shooting after midnight, and that the number of events featuring music or shooting be limited to eight (8) per summer. Mr. Hulseberg noted that in the packet submitted by the petitioners, they suggested that the shooting be limited from sunrise to one (1) hour after sunset, which was different from the Hearing Officer's recommendation, and inquired whether this was discussed at the public hearing. Mr. Larson noted that he was fine with limiting shooting to daylight hours only. Mr. Miller noted that the Hearing Officer wouldn't have an issue with further limiting the times for shooting, but pointed out that the time issue also addressed loud noise and music. Mr. Cecchin responded that the midnight cutoff time was also their own self-imposed limitation, and that they would have no problem with meeting that condition. Mr. Hulseberg noted that the suggested recommendation did not define what time period summer would include, which given the suggested limit of only eight (8) events per summer, could be significant. He inquired if it had been discussed at the public hearing. Mr. Miller informed the Committee that no specific time period was identified and that it was assumed that "summer" would include the time when the weather would be warm enough to be comfortably outside. Ms. Tobias noted that the limit of eight (8) such events did not seem appropriate, inquiring whether events such as weddings, which include music, would be included in the number. Mr. Larson responded that this was one of their main problems with this condition. He explained that when they had suggested eight (8) events, he had been referring to large public events, such as a ticketed weekend music festival, not smaller events or private ones, such as weddings. He stated that their large outdoor festival season typically runs from about June 15 to September 15. Adding that even though April and May are usually warm enough, the ground usually too soft for vehicles. Mr. Cecchin added that they defined a private event as one where a particular group essentially "rents" the entire park for just its members, like a family hosting a wedding, whereas a public event is one like a car show, where anyone not associated with the group renting the park could just come in and participate. Mr. Miller clarified with the petitioners that what they were suggesting in regards to this condition is that: 1). No shooting after dark, and 2). No more than eight (8) "public" music events per summer, to run no later than midnight. Mr. Miller pointed out that the Committee would have to decide if they would agreed with that suggestion or not.

Condition 7: That a storage area for portable sanitary units be identified on the site plans. The Committee agreed this was a fairly straight forward condition and required no further discussion.

Condition 8: That DCHD review and approve the existing well and septic system. Mr. Hulseberg noted that this issue had been addressed as part of the discussion of condition 2.

Condition 9: That only vendors with a Class G Liquor license be permitted to distribute alcohol on the property. Mr. Hulseberg noted that the petitioners do not sell alcohol, but have allowed vendors to do so. Mr. Cecchin agreed that was how they operated. Mr. Hulseberg inquired whether staff would benefit from knowing when an outside liquor license was applied for. Mr. Miller replied that it would not matter much for staff, as the liquor licenses are issued by the County anyway. Mr. Cecchin noted that it was regulated by DCHD. Ms. Tobias asked whether a vendor with a Class G license has to apply every time. Mr. Miller stated that this is a condition of the license. In response to a request by Ms. Vary, Mr. Miller explained the Class G license, which allows liquor catering.

Condition 10: That a privacy fence be constructed between their property and the Foster property to the west. Mr. Hulseberg reaffirmed that the petitioners understood that the allowable height for such a fence was six (6) feet, not the seven (7) feet they had put in their petition. Mr. Larson replied that they had adjusted their plans once they were made aware of the height restriction. Mr. Miller reminded the petitioners that a building permit must be applied for and approved before the fence is completed.

Condition 11: That no activities of any kind or nature involving the public take place on the property until all of the above conditions are complied with and until all necessary permits have been issued and until the ten construction trailers have been removed. Mr. Larson stated that they intend to remove the trailers, but had been delayed due to the cabins not being completed. He requested that the wording be changed to allow them to seek Temporary Use permits for the use of three (3) of the construction trailers for the Summer of 2012, and that they would remove any trailers not so approved. Mr. Hulseberg asked the petitioners how they proposed to address the remainder of the suggested condition. Mr. Larson claimed that if they were restricted from holding another event until after all six (6) cabins had been built, the business would fail, and argued that they were not vital to the operation of the park. Ms. Tobias inquired as to the purpose of the cabins. Mr. Larson replied that they would be available for use as accommodations for groups renting the park. Mr. Whelan asked the petitioners to clarify whether anyone was living in the trailers on the site. Mr. Cecchin responded that they had actually had two different kinds types of vehicles: RVs, which were used as staff accommodations, and construction trailers, which were used as temporary, one (1) or (2) night housing only. Mr. Miller noted that the ultimate goal was the removal of the trailers, but also explained that the petitioners could seek temporary use permits for the construction trailers to allow them to remain until the cabins are completed, and elaborated on the particulars of that process.

Mr. Miller explained that the Hearing Officer's intention with this condition was based in part on staff's observation that the buildings and structures on the property had been used without permits, which raises public health, safety, and welfare concerns. Given the petitioner's history over the past three (3) years, a history that included two (2) violations of that provision, that they

be required to get all of their permits before they be allowed to do anything else. Mr. Miller observed that what the petitioner appeared to be saying was that if they aren't allowed to hold any events until the work is completed, then they would not have the revenue to complete the work. Mr. Miller suggested that the condition could be modified to say that existing structures may not be used in any way for events until such time as a final occupancy permit has been issued for their use; this would also include receiving approved temporary use permits for the use of the construction trailers. He explained that this would allow the petitioners to still generate revenue by hosting events that would not require the use these structures. The petitioners agreed with this suggested change to the condition.

Mr. Hulseberg noted that one of the examples of a large event mentioned by the petitioners involved the setting up of a "portable town" with a tower, and inquired as to whether that would require a permit. Mr. Miller responded that such an event is not something that staff would be required to permit. He added that the DCHD would oversee the food service and sanitary facilities of such an event. Mr. Larson stated that the Illinois Department of Public Health also oversees their operation.

Mr. Hulseberg inquired whether the ten (10) trailers mentioned included the one used for food service. Mr. Larson replied that when he had prepared that site plan, he did not realize he needed to distinguish between the different types of trailers (RV, construction, and food service) displayed. Mr. Miller suggested that a condition be added requiring that a final site plan, subject to review and approval by staff, be provided before the next event can be held.

Mr. Hulseberg noted that the Committee wanted to revisit Conditions 5 and 6, particularly the number of private vs. public events, the total number of attendees allowed, and overnight uses vs. daytime uses. Mr. Miller pointed out that the Hearing Officer's language was fairly strong with respect to the prospect of 4,000 attendees and its potential impact on the surrounding area and the unincorporated community of Rollo. Mr. Miller recommended that if the Committee did plan to entertain the suggestion that the park be allowed to have 4,000 attendees for daytime events and 2,000 attendees for overnight/week-long events, it would be best if the matter were remanded back to the Hearing Officer to re-open the public hearing to consider that point and to allow to the public the opportunity to weigh-in on this condition. Additionally, if the Committee did opt to remand the matter back to the Hearing Officer, it would also allow public discussion regarding the suggested changes the Committee had discussed regarding the other conditions. Mr. Miller added that if the Committee did opt to establish a flat maximum 2,000 attendees any event, which would be significantly higher than the Hearing Officer's recommendation, it would not be at odds with what was approved in the 2008 ordinance. Ms. Vary stated that she favored limiting the maximum attendance number to 2,000. Ms. Tobias noted that such a limit would be very hard to enforce. Ms. Vary verified with the petitioner that most of the events held in 2011 had not had attendance numbers greater than 1,500. Mr. Cecchin added, however, that last year had been the first time several of the large music events had been held, and that it was expected that subsequent years would see increasing numbers of attendees. Mr. Whelan inquired as to the maximum number of attendees to attend a single event in the past year. Mr. Larson replied that

he believed it to be just under 2,000 for one weekend long event. Ms. Vary asked whether the park could even accommodate an event with 4,000 attendees. Mr. Larson responded that it could. Mr. Miller reiterated that the Hearing Officer was clear that 4,000 people would dominate and negatively impact the surrounding area. Ms. Vary voiced her opinion that the matter should be remanded back to the Hearing Officer for further discussion of this issue.

Ms. Tobias inquired how far Rollo was from the park. Mr. Larson responded that it was approximately two (2) miles. He also added that the Fosters' property was immediately to the west of the park, the nearest neighbor to the east was approximately 0.9 miles, and the neighbors to the north were approximately 2.5 miles.

Mr. Hulseberg suggested a maximum attendance number of 2,000, which would be consistent with the 2008 ordinance, should allow the petitioners to acquire the revenues needed to meet the requirements that would be set forth in an amended special use ordinance. Additionally, if the petitioners prove to be good neighbors and successful, the petitioners could return to the Committee in several years to petition for an increase in that number. The petitioners were amenable to this suggestion. Mr. Hulseberg inquired if the Committee was fine establishing 2,000 would be for all events, or if it wanted to designate between public vs. private, and overnight vs. daytime. Ms. Vary and Mr. Emerson both agreed that 2,000 persons would be a good number. Mr. Cribben stated that the matter was very complex and felt that it should be remanded back to the Hearing Officer for further testimony regarding this issue. Mr. Hulseberg asked Mr. Miller that if the matter was remanded back to the Hearing Officer, could the Committee's recommendations proposed changes to his language be sent back to him. Mr. Miller responded that he would compile a summary of the Committee's suggested changes and include it as part of his staff report to the Hearing Officer for the re-opened hearing.

Mr. Larson pointed out that the property was currently governed by the 2008 ordinance, which he understood had not been revoked, and inquired whether they were permitted to continue to operate under the that Ordinance while the current zoning process was underway. Mr. Miller explained that while they did have an approved Special Use Permit, the conditions of that permit had not yet been met. Mr. Larson added that if they were allowed to continue to operate under the 2008 ordinance, they would also agree to operate under the new restrictions discussed by the Committee. Mr. Miller explained that in the past the County has allowed uses that required a special use but did not yet have one, to continue to operate provided they were diligently seeking the necessary approvals, and that what Mr. Larson was suggesting would be consistent with that policy. Ms. Vary reiterated that she felt that the matter should be remanded back to the Hearing Officer to re-open the public hearing. Mr. Miller stated that the earliest the hearing could be held was the end of March, thus the matter wouldn't be able to be brought back before the Committee until its April 25 meeting, which would mean that the County Board would not hear the matter until its May 16 meeting. Mr. Emerson inquired whether the Committee could delay their March meeting until the beginning of April. Mr. Miller answered that if the Committee was going to allow the petitioners to continue to operate under

the 2008 ordinance, provided they abide by the conditions discussed by the Committee, a delay would not be necessary. Mr. Hulseberg opined that if the Committee was considering changing the proposed maximum attendance number of attendees to 2,000, the matter should be remanded back to the Hearing Officer.

*Ms. Tobias moved to remand the proposed Amendment to the Special Use back to the Hearing Officer to re-open the hearing and receive further information and testimony regarding the Committee's proposed changes to the conditions recommended in the Hearing Officer's original Findings-of-Fact, seconded by Ms. Vary, and the motion passed unanimously.*

Mr. Larson inquired whether his request to be allowed to continue to operate, provided they abide by the suggested conditions, was approved. Mr. Miller responded that was the case.

## **MONTHLY REPORT**

The Committee briefly discussed the Monthly Report.

## **PUBLIC COMMENTS**

Mr. Cecchin took that opportunity to elaborate on the operation of the park and a brief history of his and Mr. Larson's involvement in running the park. He also introduced the Committee to Sharon Stewart, the organizer of the Pagan Spirit Gathering, who voiced her group's pleasure with having the event at the park last summer and their desire that the park be allowed to continue to operate so that can continue being able to hold their event there.

Mr. Mel Haas inquired whether any action had been taken towards raising Waste Management's annual landfill renewal fee of \$50. Ms. Vary responded that whether or not the fee would be raised would depend on staff's review of the amount of paperwork and time is involved in processing the renewal.

## **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet March 28, 2012 at 7:00 p.m. in the Conference Room East.

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

**Respectfully submitted,**

**John Hulseberg, Vice-Chairman  
Planning and Zoning Committee Chairman**