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DeKalb County Government
Sycamore, Illinois

**Planning and Zoning Committee Minutes
(August 24, 2016)**

The Planning and Zoning Committee of the DeKalb County Board met on August 24, 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, Kevin Bunge, John Emerson, Tracy Jones, Anita Turner, and Suzanne Willis. Also in attendance were Ronald Dibble, David Bzdill, Mark Petrowski Jr., Greg Milburg of the DeKalb County Farm Bureau, several members of the public, and staff members Paul Miller and Marcellus Anderson.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Bagby moved to approve the minutes of July 27, 2016 meeting of the Planning and Zoning Committee, seconded by Ms. Willis. The motion to approve the amended minutes carried unanimously.

PUBLIC COMMENTS

No comments were offered.

SPECIAL USE - Dibble Family, LLC

Mr. Miller explained that Dibble Family LLC had filed a petition for a Special Use Permit to allow an agribusiness in the form of a propane storage and distribution facility on property located at 25330 Five Points Road. The 2.77-acre parcel is located at the northeast corner of State Rte 64 and Five Points Road in unincorporated Mayfield Township, and is zoned A-1, Agricultural District.

The required public hearing was held on August 4, 2016 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that the business is propane storage and distribution and that 90 percent of its customers

are farmers. Two, 30,000-gallon tanks would be installed on the site, and initially there would be two or three trucks per day coming in and out of the site. The applicant indicated that a new access on to State Rte. 64 would be sought from the Illinois Department of Transportation so that the existing Five Points Road access would not be the primary entrance to the property. There business would not include the storage and sales of small propane tanks. Eight members of the public spoke in opposition to the request, citing safety concerns related to the number of residences located in close proximity to the subject property, and a petition of opposition was presented. One member of the public spoke in favor of the petition.

The Hearing Officer has submitted his findings, and recommended denial of the Special Use Permit (see attached Findings of Fact). The Planning and Zoning Committee was requested to make a recommendation to the full County Board on the requested Special Use in the form of an ordinance. The Committee could recommend approval, approval with conditions, or denial of the request. Mr. Miller noted that if the Committee chose approval, then they would have to craft findings in support of that approval.

Mr. Jones noted that he had received an email questioning his having spoken in favor of the petition at the public hearing. He maintained that even though he is a Board member, it is his right, as a private citizen, to voice his opinion at a public hearing. He added that, as a Board member, it is his job to look at the facts of the situation and that he would judge the application on what would be best for the County.

Ms. Willis inquired whether the State Fire Marshall conducts the annual inspection of the equipment to be used on site. Mr. Dibble responded that the State Fire Marshall conducts the initial inspection of the safety equipment of the facility, it is then the responsibility of the facility owner/operator to conduct annual inspections of the tanks. He also added that the trucks are inspected annually by the business and by the State.

Ms. Willis noted that in response to the safety concerns voiced at the public hearing, she had researched the potential of propane tank explosions, and elaborated on her findings. She concluded by noting that the likelihood of a tank exploding was very low and that safety was not truly a concern. She did, however, note that she understood the neighbor's concerns regarding the potential effect on property value due to the perception that such places are a safety risk. Ms. Willis added that, in response to the neighbor's concerns about the facility adding more tanks in the future, that if a motion to approve was made, it should be conditioned to only allow for the two (2) tanks and that any future tanks require revisiting the Special use Permit again.

Mr. Bagby inquired if any of Mr. Dibble's other sites are this close to a residential area. Mr. Dibble responded that his facility in Roberts had a house about 1,000 feet away, the one in Gardner had a residence about 1/8 of a mile away, and that his other facility was completely surrounded by highways. Mr. Bzbill noted that Hinks Gas, on Somonauk Road, had a house right next door to it.

Mr. Jones inquired as to the required setbacks for propane tanks. Mr. Dibble responded that the NFPA58 requires that a tank be at least 50 feet away from a building. Mr. Miller added that the DeKalb County Zoning Ordinance requires that the tanks be at least 50 feet from a right-of-way line and 20 feet from other property lines.

Mr. Jones noted that the proposed facility would be no different from any of the other such facilities in the County, and noted some examples of other such facilities located in the County.

Ms. Willis inquired as to whether the sales taxes generated would go to DeKalb County. Mr. Bzdill noted that if the point of sale is in DeKalb County, then any taxes would go there. Mr. Bzdill added that the plan for the site was to eventually establish an office on the site. The Committee discussed the potential sales tax return.

Ms. Turner explained that she felt that the strong opposition by the neighbors needed to be taken into consideration, along with the Hearing Officers recommendation to deny, inclined her to towards recommending denial of the application.

Mr. Bunge said that he did not feel that safety was an issue, and that the County should be encouraging more agribusinesses like this to come to the County.

Mr. Emerson stated that he was not concerned about the safety issue, explaining that he had 12,000 gas propane tank located on his property close to his house.

Ms. Willis noted that she did appreciate the neighbor's concerns, but pointed out that her research lead her to believe that safety would not be an issue in this case. She added that this was not an easy issue to decide upon.

Ms. Turner added that she was concerned about the intersection next to the property due to the number of accidents that have occurred there. Mr. Dibble explained about the barriers that would be placed around the tanks to prevent vehicle impacts. He also added that the tanks would be placed as far from State Rte 64 was possible on the property.

Mr. Jones moved to recommend approval of the Special Use, seconded by Ms. Willis.

The Committee discussed the limitations of the approval, and it was agreed that Ms. Willis' suggestion to limit the approval to only two (2) 30,000 gallon tanks be added to the motion.

The motion to recommend approval with conditions was carried by a vote of five (5) "yes" to one (1) "no" by Ms. Turner.

TEXT AMENDMENTS

Mr. Jones noted that Mr. Faivre was still doing research regarding the proposed text amendments and that he felt Mr. Faivre should be present for any vote on them.

Mr. Jones moved to table the discussion of the proposed text amendments until the September 28, 2016 Committee meeting, seconded by Ms. Willis, and the motion carried unanimously.

COUNTY BUILDING CODES

Mr. Miller explained that a request had been made that the Committee consider eliminating local adoption and enforcement of building codes. He presented to the Committee an outline of the history and reasoning behind the County's choice to locally adopt and enforce building codes, and elaborated upon the reasons it should continue doing so. He said that one issue in particular that had been brought to his attention 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.

Mr. Miller said that in order to address this point, staff offered the following option for consideration by the Committee: The DeKalb County Board may amend Article 14 of the County Code to create a waiver option for the building regulations (those regulations that are not mandated by the State or Federal government). Under this program, a property owner who finds it impractical, impossible, or cost-prohibitive to retrofit an existing building or structure to meet one or more applicable code regulations for a proposed business may petition the Planning and Zoning Committee for a waiver of the provision(s) under issue. The applicant would be required to provide an assessment of why the standard cannot be met (costs, physical impracticality, etc.), and an alternative designed by a licensed professional architect or engineer that can be argued to meet the intent, if not the letter, of the building regulation. Without the need for a public hearing, the applicant could appear before the Committee, which on hearing the waiver request and considering input from staff on the issue, can decide to grant, grant with modifications, or deny the waiver request. A record of the request and decision would then become part of the Building Permit file.

Mr. Miller informed the Committee that if it wanted staff to pursue the suggested option, it can direct staff to prepare language for consideration at its next meeting, and if that language is acceptable, it can direct staff to pursue a text amendment to add the proposed language to the ordinance.

The Committee discussed the item.

Mr. Jones moved to direct staff to prepare a potential amendment to Article 14, seconded by Mr. Bunge, and the motion carried unanimously.

PLANNING DIRECTOR JOB DESCRIPTION

Mr. Miller informed the Committee that Gary Hanson, the County Administrator, asked that they be shown a copy of the "DeKalb County Planning Director Job Description and Responsibilities" so that they could review it and suggest any changes. He also informed them that the listing would be posted August 25, 2016.

Mr. Bunge inquired whether Mr. Miller felt there was anything listed that should not be. Mr. Miller responded that everything listed seemed appropriate.

Mr. Jones stated that the "Time Commitments" section should include "subject to change".

Mr. Jones stated that an item he plans to bring to the Committee is a proposal to move the Committee meeting date to sometime before the County Board meeting, to allow for faster processing of zoning actions.

Mr. Jones moved to accept the proposed "DeKalb County Planning Director Job Description and Responsibilities" listing, seconded by Ms. Turner, and the motion carried unanimously.

OTHER BUSINESS

No comments were offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet Wednesday, September 28, 2016 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,



John Emerson
Planning and Zoning Committee Chairman

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