

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
March 4, 2010**

The Planning and Zoning Committee of the DeKalb County Board met on March 4, 2010 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, Ruth Anne Tobias, Marlene Allen, John Hulseberg, Michael Haines, Stephen Walt, and Larry Anderson, (by phone) and staff members Paul Miller, Toby Petrie, and Rebecca Von Drasek. Also, in attendance were Donna and Howard Petersen, David Kelps, Jim Cagle, Hector Martinez, Juis Cervantes, Charles Crawford, and John LaRocco

Mr. Walt moved to allow Mr. Larry Anderson to participate by phone, seconded by Ms. Allen, and the motion carried unanimously.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order, and noted that all members were present except Pat Vary.

Mr. Andersen explained that the Committee had postponed the February 24, 2010 meeting due to lack of a quorum and rescheduled the meeting for March 4, 2010. He also explained for the members of the public that Committee Member Larry Anderson would be in attendance by phone. He noted that the County Board recently approved a rule change allowing Board Members to attend meetings remotely under certain circumstances.

APPROVAL OF AGENDA

Ms. Allen moved to approve the agenda, seconded by Mr. Hulseberg, and the motion carried unanimously.

APPROVAL OF MINUTES

Ms. Tobias moved to approve the minutes of the January 27, 2010 meeting of the Planning and Zoning Committee, seconded by Mr. Haines, and the motion carried unanimously.

SPECIAL USE PERMIT -- Congregation of Jehovah's Witnesses

Mr. Miller briefed the Committee on the application from the Congregation of Jehovah's Witnesses for a Special Use Permit for a church, filed in accordance with the requirements of Section 9.01.B.2 of the DeKalb County Zoning Ordinance. Mr. Miller noted that the church had been in operation on the property for many years and is a "grandfathered" use. He explained that the petitioner's application for a Special Use Permit was in conjunction with a proposed renovation to the church. Because the size of the proposed addition would exceed 10% of the area of the existing building, a Special Use Permit is needed for the church. The 1.09 acre property is located on the north side of Barber Greene Road, approximately 1,890 feet east of Somonauk Road, in Cortland Township, and is zoned A-1, Agricultural District. Mr. Miller noted that the required public hearing was conducted on February 11, 2010 by DeKalb County

Hearing Officer Ron Klein. The petitioner provided evidence, testimony and exhibits for the proposed church expansion, and explained that the church has no Special Use designation as it has been in place since 1968. The requested Special Use Permit would allow an addition to the north side of the church, as well as repair of the roof. A new sign is proposed as well as some minor landscaping, but no other site improvements. No members of the public spoke in favor of or in opposition to the request at the public hearing. The Hearing Officer recommends approval of the Special Use Permit. Mr. Miller recommended that any approval of the Special Use Permit be conditioned upon the project being constructed in substantial conformance with the plans and documents submitted by the petitioner as part of the application.

Mr. Walt moved to recommend approval of the Special Use Permit with the condition that the church operations be in substantial accordance with the application, seconded by Mr. Haines, and the motion carried unanimously.

BUILDING CODE AMENDMENT

Mr. Petrie recapped the proposed changes and updates to the County's building codes discussed at the January 27, 2010 Committee meeting, including updating the Building Code to the 2006 International Building Code (IBC), incorporating the State's energy code compliance requirements, and revisions to the Temporary Occupancy fee. Mr. Petrie suggested that the County tweak the adopted codes in regards to anchor bolts, stairs, and a few other items in keeping with past practices.

Mr. Miller emphasized to the Committee that they need not be experts in building code enforcement to make a recommendation. Rather, Committee members are asked to weigh in on the policy of updating the County's building codes on a regular basis, approximately every three years, in order to keep the County current with best management practices and state-of-the-art life, health and safety regulations.

The Committee briefly discussed the Energy Code compliance and the methods which can be utilized to fulfil the state requirements.

Mr. Ken Andersen observed that most communities are enforcing the 2006 IBC and he agreed with Mr. Petrie's revision to the anchor bolt requirements.

Mr. Haines moved to recommend adoption of the Building Inspector's suggested updates to the DeKalb County Building Code requirements, seconded by Mr. Hulseberg, and the motion carried unanimously.

LIQUOR CODE AMENDMENT

Mr. Miller briefed the Committee on the proposed revisions to the County Liquor Code. He explained that County Board Ordinance 2010-01, approved on January 20, 2010, allowed the "Chapel in the Pines" wedding ceremony business located at 15165 Quigley Road in Cortland Township to include a reception hall for private receptions and gatherings. An important element of the Board's deliberations on that change to the wedding ceremony business was the

possible service of alcohol in the reception hall. It was decided that the wedding ceremony business should not have a liquor license, as it is not a bar, liquor store, or restaurant. Rather, the Board indicated that liquor might be provided by caterers and vendors authorized to sell and serve beer, wine and spirits.

Staff has subsequently reviewed the provisions of Article 6 of the DeKalb County Code, which sets forth the types of liquor licenses available in unincorporated DeKalb County. Under the existing regulations, the organizers of a private event, other than one conducted by a not-for-profit organization, can buy alcohol and operate an “open” bar, but cannot sell alcohol. The owners of the property where the event takes place, and the organizers of the event, would be wise to have insurance for the event, but the County has no regulation to require this protection. What cannot occur under the existing regulations is the operation of a “cash” bar, where alcohol is sold as well as served, by a private entity (other than a not-for-profit organization) or business (including the Chapel in the Pines) that does not have an annual liquor license tied to the subject property. Mr. Miller noted that in consultation with the State’s Attorney and the County Sheriff, staff recommends that a new category of liquor license be considered to specifically allow special events caterers, not only for the reception hall at the Chapel in the Pines but for any special events. Mr. Miller outlined the proposed revisions to Chapter 6, Alcoholic Beverages, Article II, Licenses, Sec. 6-23, Classifications, to add the following:

- (12) *Class G*. Special Events Caterer license for the retail sale or service of all kinds of legalized alcoholic liquors for consumption on the premises where sold or served. Such retail sale or service shall be permitted so long as the following conditions are met by the licensee:
- a. The licensee shall, at the time of application for a Class G license, provide proof of possession of a valid Class A, B, C, or D license as set forth in this Code, or a comparable liquor license issued by a unit of government authorized to grant liquor licenses.
 - b. The licensee shall, at the time of application for a Class G license, provide proof of dram shop insurance that will cover the license holder and the location which each catered event is to take place.
 - c. The license holder shall notify the DeKalb County Sheriff in writing a minimum of seven (7) days prior to each special event that will be catered of the location, date(s), time(s), duration, and nature of the event. The County Sheriff shall have the authority to deny the right to cater any particular event for just cause.
 - d. There shall be no limit to the number of special events the holder of a Class G license may cater in a calendar year, provided, however, that no single special event shall be of a duration greater than three (3) consecutive days. Approval for consecutive events in three (3) day increments may be granted by the DeKalb County Sheriff.
 - e. The annual fee for such license shall be \$250.00.

Mr. Miller concluded by emphasizing that the County is not regulating consumption of alcohol but the sale of it.

Mr. Walt asked why paragraph “c” is needed, since it would give the Sheriff authority that is supposed to reside with the County Liquor Commissioner (the County Board Chair). Mr. Walt opined that the Sheriff should not have the final say. Mr. Miller observed that the intent of the provision was to allow the Sheriff to exercise discretion as to whether or not an event proposed to sell alcohol might create an unsafe situation.

Mr. Haines noted that the issue for the Petersens could be resolved in two ways; 1) this amendment could be made to the Liquor Code, or 2) that the Petersens’ Special Use could be amended to allow them to seek a liquor license. Mr. Haines noted that he did not want regulations to favor an “open bar” scenario. He then asked if a “reception hall” could be added to the list of locations where a license could be issued. Mr. Miller responded that the Committee had discussed allowing liquor sales at the “Chapel in the Pines” and specifically stated that they did not want the reception hall to be a destination use like a bar or restaurant. The recommended Special Events Caterer license is in response to that concern.

The Committee briefly discussed the various events when a Special Event liquor license would be necessary. Mr. Miller stated any event occurring in unincorporated DeKalb County where alcohol would be sold would be required to utilize a vendor with this Special Event “G” license.

Mr. Ken Andersen recognized Mr. and Mrs. Petersen and asked if they had any comments regarding the proposed Code revisions.

Mrs. Petersen stated that with the original application they had not asked for liquor license, but upon further reflection, she felt that having a liquor license was essential to the success of the reception hall. Most of the profits are realized through the sale of alcohol.

Mr. Hulseberg noted that he had spoken with representatives at Blumen Gardens and St. Mary’s Church regarding the agreement with outside vendors to provide beverages, and both noted that it was not a cost prohibitive method.

Mr. Haines asked why a third party would be better vendor of alcohol than the property owner. Mr. Miller responded that the third party vendors would already have the dram shop insurance, familiarity of the liquor business, and appropriate staff training to serve these events.

Mr. Haines observed that he felt the “G” licenses would be giving an advantage to existing businesses and discourage new entrepreneurs. Mr. Miller responded that the license could alternatively be viewed as opening up a new business opportunity for existing entities that have a liquor license.

The Committee then briefly discussed if it was appropriate to license the property owner of the reception hall to become a bar or better to revise the County Code to permit existing licensees to expand their services to properties in unincorporated areas.

Mr. Hulseberg noted that the concession to the neighbors who objected to this use had been that the property would not be allowed to operate as a bar. He also observed that if the existing

licensees were responsible operators, an additional requirement to contact the Sheriff should not be required.

Mr. Walt and Mr. Hulseberg made a friendly amendment to remove item “c” from the Code revisions.

Mr. Larry Anderson made the friendly amendment that the Sheriff should not have approval authority in item “d”, but rather that “notification” should be provided to the Sheriff of any event exceeding three days.

Mr. Miller noted that, since this is a new type of liquor license and the Petersen’s reception hall is a new use, it cannot be known if this approach will or will not work, or whether the reception hall will be viable. Perhaps it will do so, but if there are problems, future changes to the Liquor Code and the Special Use Permit for the “Chapel in the Pines” are possible.

Ms. Allen moved to recommend approval of the County Liquor Code revisions removing item “c” and revising “d” to “notification” rather than “approval” by the Sheriff, seconded by Ms. Tobias, and the motion carried unanimously.

COMPREHENSIVE PLAN UPDATE

Mr. Miller noted that the County’s award-winning Comprehensive Plan was adopted in December of 2003. He advised that a wise community returns to the Comprehensive Plan regularly to up date the plan so that it reflects their current vision. Mr. Miller noted that the Unified Plan incorporates the future land use plans of the various municipalities in DeKalb County, and provides a consensus vision for the future of the County. Since its adoption, many of the 14 municipalities that are partially or entirely within the limits of the County have grown through annexation. Several municipalities have adopted amendments to their individual comprehensive plans. There have also been changes to the decision-makers at the municipal and County levels as a consequence of elections. Mr. Miller explained that a comprehensive plan is intended to help guide growth and development, as well as preserve land uses and existing conditions that are deemed valuable. He emphasized that the plan is only effective provided it reflects the will of the population it serves. Because of physical, jurisdictional and political changes, such plans must occasionally be updated. To this end, Mr. Miller outlined a process for updating the Comprehensive Plan, in cooperation with the Regional Planning Commission:

1. Gather all of the current municipal future land use plans and integrate them into the County GIS system to create a new unified future land use plan. The GIS system already has the current municipal boundaries;
2. Update demographic data from available sources;
3. Make any desirable changes to goals, objectives and future land use categories;
4. Conduct three open houses, one each in the north, central and south portions of the County, to solicit public input on the goals, objectives, land use policies and future land use plan, and use the input to finalize these elements of the updated plan;
5. Conduct one public hearing on the updated Unified Comprehensive Plan;
6. Send the updated Plan to the County Board for adoption in December of 2010.

Mr. Miller asserted that the update could be accomplished with minimal costs. He noted that the County already has some funds set aside for regional planning that would help defray what costs are generated.

Mr. Ken Andersen observed that this was the ideal time to make this type of change when the development pressure has waned.

Mr. Haines noted that he was in full support of updating the Comprehensive Plan and suggested financial incentives to encourage municipalities to participate in the update.

Mr. Andersen noted that the advantage to the municipalities in updating their plans is the access to the County mapping services. He emphasized that the municipalities determine their own destiny in terms of development and therefore may or may not chose to participate at this time. Mr. Miller agreed that preforming updates simultaneous to the County could save the municipalities some expense in the remapping of their plans.

Ms. Allen stated that she was not in favor of the County taking on an additional expense to encourage municipal involvement.

Mr. Haines noted that the Regional Planning Commission may struggle to stay relevant in this economy. Mr. Miller agreed that the Regional Planning Commission struggles when development slows, but offered that the RPC was the best sounding board for shared concerns of municipalities.

Ms. Tobias moved to direct staff to begin the process of updating the Comprehensive Plan, seconded by Mr. Haines, and the motion carried unanimously.

ADJOURNMENT

Mr. Andersen informed the Committee that he and a few others were going to Washington D.C. to meet with lawmakers and lobbyists and he invited individuals to share any comments, questions, or concerns they would like shared with Washington decision makers.

The Planning and Zoning Committee is next scheduled to meet March 24, 2010 at 7:00 p.m. in the Conference Room East.

Ms. Tobias moved to adjourn, seconded by Mr. Walt, and the motion carried unanimously.

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman

RGV:rgv

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