

**PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
January 27, 2010**

The Planning and Zoning Committee of the DeKalb County Board met on January 27, 2010 at 7:00 p.m. in the Gathertorium located in the DeKalb County Legislative Center. In attendance were Committee Members Ken Andersen, Ruth Anne Tobias, Marlene Allen, John Hulseberg, Michael Haines, Larry Anderson, Pat Vary, and Stephen Walt, and staff members Paul Miller, Toby Petrie, and Rebecca Von Drasek. Also, in attendance were Amy and Matt Schuning, Claudia and Mark Johnson, Bob Rudd.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order, and noted that, at the start of the meeting, all members were present except Michael Haines.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

*Mr. Larry Anderson moved to approve the minutes of the January 6, 2010 meeting of the Planning and Zoning Committee, seconded by Ms. Allen, and the motion carried unanimously.*

Mr. Andersen asked if there were any members of the public who wished to address the Committee on a matter that was not subject to a public hearing. Hearing none, the Committee continued with the agenda.

*Michael Haines arrived at 7:05pm*

**SPECIAL USE AMENDMENT -- Schuning**

Mr. Miller briefed the Committee on the application of Matt and Amy Schuning, on behalf of property owner John Cyrier, for a Special Use Permit to allow a commercial dog breeding kennel on property located at 2416 Kehm Road in Milan Township. Mr. Miller explained that the required public hearing was held on January 7, 2010 by DeKalb County Hearing Officer Ron Klein. The petitioners provided testimony and exhibits in support of the requested Special Use, including that they will be raising "Labradoodles," and may have up to 30 breeding females. He explained that the application included the petitioners intent to build a 100' x 20' building with 20 kennels, as well as a large fenced-in area for dogs to exercise. The business would not employ any persons other than the petitioners, except perhaps for a part-time employee to assist with cleaning and care of the dogs. The puppies would not be sold to any wholesaler or retailer, but to private individuals only, with visitations by appointment. Discussion was held over the maximum number of animals that might be on the property at any given time. The DeKalb County Animal Warden expressed concern at the public hearing that the business not turn into a "puppy mill," and asked that the County Health Department be permitted to inspect the operation

as needed and reduce or increase the number of breeding females depending on the quality of the business. One member of the public expressed concern over the noise that might result if there are 30 or more dogs on the property. Mr. Miller outlined the Hearing Officer's findings which recommends approval of the Special Use Permit with conditions:

1. Initially there shall be no more than 20 breeding females at any given time, however, this number may be increased or reduced from time to time by the DeKalb County Health Department, and in the event the Health Department does increase or decrease the number of breeding females allowed, they shall notify the Planning & Zoning Department of their action.
2. The DeKalb County Health Department shall have the right to inspect the property as often as it deems necessary.
3. There shall be no sales to retail or wholesale purchasers, but only to individuals.
4. There shall be no employees other than one part-time employee.
5. The Petitioner shall register the proposed animal care business on the property in question with the DeKalb County Clerk.
6. Waste disposal on the property in question shall be in accordance with the DeKalb County Health Department recommendations.
7. The Petitioners shall obtain a license from the Illinois Department of Agriculture to operate the kennel.

Mr. Walt asked for a definition of a "puppy mill." Mr. Miller defined it as an operation producing more animals than may be sold, keeping the animals in substandard conditions, and not providing necessary care and shots.

Mr. Haines asked why the Hearing Officer's conditions limited the number of employees the kennel could hire. Mr. Miller explained that the Hearing Officer generally asks this of each proposed Special Use in an effort to determine the scale and scope of a proposed operation. The recommendation that not more than one part-time employee came from the applicants.

Mr. Hulseberg noted some concern about the number of proposed animals. Ms. Vary echoed this concern noting that 20 breeding females with litters of only 4 puppies would be at the least 80 animals not including the males.

Mr. Haines asserted that the first two conditions of the Hearing Officer's Findings of Fact should sufficiently restrict the number of animals from becoming too many for the site.

Mrs. Schuning responded that the average litter was actually greater than four, suggesting it is usually closer to seven or eight puppies per litter. Mrs. Schuning noted that the dogs go into heat twice a year and that they try not to breed an animal every time.

Ms. Vary asked where the male dogs were kept. Mrs. Schuning indicated that they love animals and often kept the male dogs in the house.

Mr. Larry Anderson asked if Mrs. Schuning was committing to offset the litters. Mrs. Schuning responded that it was difficult to because of various conditions such as some litters that do not take and the time of year the puppies would be ready. She suggested that if the number of breeding females was too low the endeavor would not be economically viable.

Mr. Ken Andersen asked how long was the gestation time. Mrs. Schuning responded that it was 63 days and that the animals were adopted out at eight weeks.

Ms. Tobias confirmed that the Petitioner understood that they would need to pay sales tax on the dogs. Mrs. Schuning said that she was reviewing those responsibilities.

Mr. Larry Anderson asked if the petitioners felt there was a market for their dogs. Mrs. Schuning asserted that she felt that there was a demand for the puppies.

Mr. Hulseberg asked if there was oversight to prevent the sale of animals wholesale. Mrs. Schuning responded she was against this type of sale.

Mr. Larry Anderson asked for clarification regarding the Health Department's responsibility over the number of animals. Staff agreed that the condition was included so that the Health Department can decide if there are too many animals (or if more can be added). Mr. Hulseberg noted that he had spoken with Animal Warden, Dan Berres, and suggested that the number of dogs should be limited to 15.

*Mr. Haines moved to recommend approval of the Special Use Permit with the Hearing Officer's recommended conditions except the prohibition on number of employees, seconded by Mr. Walt, and the motion carried unanimously.*

## **BUILDING CODE AMENDMENT**

Mr. Petrie walked the Committee through his memo, dated January 13, 2010, recommending Building Code updates. He explained that staff attempted to update the County's Building Codes every three years. Additionally he noted that upcoming legislation was about to be signed which would mandate revisions to the energy efficiency requirements. Finally, Mr. Petrie noted that he had reviewed the fee schedule and determined that the Temporary Occupancy fees of \$35 were considerably lower than necessary to off set staff time and costs.

Ms. Vary observed that the increase in fee for Temporary Occupancy was a "stick" to attempt to prevent owners from occupying a building before construction and inspections are finished, and not receiving final approval in a timely manner.

After a brief discussion, Mr. Ken Andersen suggested that the fee be even higher, perhaps \$500, and that half of the fee be returned to the owner after a final inspection is scheduled. He hypothesized that this would minimize the follow-up by staff to close out these projects.

The Committee noted additional strikeout measures proposed in the memo. Mr. Petrie explained that these items were duplicative of other enforced codes (i.e. Residential Building Code, Zoning Ordinance, etc.).

Mr. Ken Andersen observed for the Committee that keeping the codes up to date was necessary for insurance coverage in the County.

Mr. Petrie noted that a chart had been omitted from his memo in regards to anchor bolts, that a reference needed to be revised, and the Temporary Occupancy fee suggestion from the Committee could be incorporated into a revised memo for consideration at the Committee's February 24, 2010 meeting.

Mr. Bob Rudd introduced himself to the Committee noting that he was the chair of the DeKalb Home Builders Association. He emphasized that although he understood the need to enforce State requirements he encouraged the Committee not raise fees on building permit as the construction industry is already struggling in this economy.

Mr. Haines observed that these code changes were only for construction in unincorporated areas.

Mr. Ken Andersen confirmed that the code updates did not revise existing stair tread/riser requirements or mandate sprinklers. Mr. Petrie agreed. Mr. Andersen also confirmed that the enforcement of more up-to-date codes would not add tasks or significant time to the inspection schedule.

Staff agreed to bring the revised memo to the next Committee meeting for action.

## **MONTHLY REPORT**

The Committee briefly reviewed the monthly building and zoning reports.

## **ADJOURNMENT**

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

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

**Respectfully submitted,**

**Kenneth Andersen**  
**Planning and Zoning Committee Chairman**