

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
January 6, 2010**

The Planning and Zoning Committee of the DeKalb County Board met on January 6, 2010 at 6:00 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, Larry Anderson and Stephen Walt, and staff members Paul Miller and Rebecca Von Drasek. Also, in attendance were Howard and Donna Petersen, Sheri Askew, Mike Godek, Dan Worzherety, and Jeff Petersen.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Hulseberg moved to approve the minutes of the October 28, 2009 meeting of the Planning and Zoning Committee, seconded by Ms. Tobias, 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.

SPECIAL USE AMENDMENT -- Petersen

Mr. Miller briefed the Committee on the history of the "Chapels in the Pines," a wedding ceremony business located at 15165 Quigley Road in Cortland Township. Howard and Donna Petersen, the property owners, were granted a Special Use Permit for a bed and breakfast on the subject property by Ordinance 93-20 on August 18, 1993. The petitioners subsequently constructed a "wedding chapel" on the property and began hosting wedding ceremonies. On July 16, 1997, the County Board passed Ordinance 97-12 granting an Amendment to the Special Use to allow an expansion of the chapel and the construction of a building with bride changing room and public washrooms. A condition of that Amendment explicitly prohibited hosting wedding receptions on the property. The Petersens have now made an application for another Amendment to the Special Use Permit to allow wedding receptions on the subject property. The proposal is to convert an existing building into a reception hall with seating for up to 150 persons.

The required public hearing was held on December 10, 2009 by DeKalb County Hearing Officer Kevin Buick. The petitioners provided testimony and exhibits in support of the requested Amendment to the Special Use, including that the bed and breakfast use has been discontinued

since 1999. The justification for the change is that the trend is to have the wedding ceremony and reception at the same location, but there are few wedding reception venues in DeKalb County. An existing barn would be converted into a reception hall, and built to meet applicable codes. The petitioners indicated at the hearing that they would not seek a liquor license, but licensed vendors would be permitted to operate at receptions. Receptions would conclude not later than 11:00 p.m. One member of the public spoke in favor of the request, and one in opposition thereto. A letter of opposition was also received. Opponents cited safety concerns with traffic on Airport Road, the dangers of drunk drivers leaving the subject property, and noise disturbances from receptions and music. Mr. Miller outlined the Hearing Officer's findings and recommendation of approval of the Amendment to a Special Use Permit with conditions:

1. The Special Use Permit shall be limited to hosting of wedding ceremonies, receptions and other public gatherings, and shall not include a bed and breakfast;
2. Should outdoor structures, such as tents, need to be erected temporarily to accommodate receptions and other such events, these structures shall be subject to the same setback requirements as would be applicable to permanent structures on the premises;
3. Parking shall be provided on the subject property in compliance with the applicable provisions of the DeKalb County Zoning Ordinance;
4. Service of alcohol shall be limited to operations in conformance with Special Event liquor licenses which may be brought in by caterers/vendors in conformance with County regulations;
5. Septic treatment on the property shall comply with the requirements of the DeKalb County Health Department; and
6. The wedding ceremony/reception use shall operate in compliance with the details set forth in the application for Amendment to a Special Use Permit.

Mr. Ken Andersen asked the Petersens if they had a response to the Hearing Officer's conditions.

Mr. Petersen asked that the Committee make three changes to the list of conditions. First, he argued that although the bed and breakfast (B&B) had ceased operations, with the addition of the reception hall, they would like to be able to start up the B&B in the future. Second, he objected to any condition limiting the property owner's ability to obtain a liquor license and sell alcohol at the receptions. Mr. Petersen stated that much of the profitability of the reception hall would be from the associated liquor sales. Lastly, Mr. Petersen asked that the Ordinance allowing the Special Use be amended so that the Special Use is valid regardless of who owns the property; there is a condition in the 1993 ordinance that restricts the Special Use to Mr. and Mrs. Petersen only, and they would like the ability to sell the business to their son or some other entity. Mrs. Petersen emphasized that they were very concerned about safety, noting that there would be cameras installed in the parking lot and bar areas.

Mr. Ken Andersen suggested that the Committee address the Petersens' list of concerns and determine the opinion of the Committee on each item.

Mr. Miller noted that if the Committee wanted to allow the B&B operations, the application should be sent back to a public hearing, since this use was not proposed as part of the Amendment application.

Mr. Haines asked that if the B&B use had expired and was not a permitted Special Use, why was the Committee even discussing this issue. Mr. Miller noted that the County Board could allow the use to continue even though it was not a listed special use because the County Board had previously allowed this use on the property. He noted that B&B is not now a permitted nor a Special Use in the A-1, Agricultural District, but that it used to be a possible Special Use in the A-2 District, which was the zoning of the subject property prior to the year 2000.

Mr. Walt opined that a B&B is a different category from a reception hall and that the two activities were different.

Mr. Miller informed the Committee that if in the near future "Bed and Breakfast" were added to the list of possible Special Uses, the Petersens could come back to the Committee to request the use in the future.

Ms. Allen agreed that a B& B application could be made in the future, and added that she felt the reception hall and B&B were quite compatible.

Mr. Ken Andersen asked the Petersens if this would be acceptable. Mr. Petersen agreed that they could return at a later time if and when they wanted to offer the B&B services.

Mr. Walt noted that he agreed with the Hearing Officer's recommendation that the liquor license be provided by the vendors. He stated that the Petersens were not opening a bar, they were requesting to rent out space for special occasions.

The Committee discussed the liquor license question and the applicable County regulations.

Mr. Hulseberg noted that he had attempted to reach the State's Attorney to get clarification on if a liquor license was transferrable with the sale of a property. The State's Attorney was unavailable prior to the Committee meeting.

Mr. Haines observed that the neighbor objections centered around alcohol problems, and that he would defer to the judgement of the Hearing Officer that this condition will mitigate those concerns.

Ms. Tobias clarified that like the B&B condition the petitioners could come back at a later date and ask to revise this condition. Mr. Miller agreed.

Mr. Walt stated that recommended condition four should be left as is and the Committee concurred.

Mr. Miller noted that staff agreed with Mr. Petersen that the Special Use should not be tied exclusively to Mr. and Mrs. Petersen, since the land use should go with the property rather than with an individual owner. The Committee concurred.

Mr. Ken Andersen asked the Committee for additional comments.

Mr. Walt asked the petitioners if an 11:00 p.m. closing time was appropriate. The petitioner agreed that the music would be halted at eleven.

Ms. Allen moved to recommend approval of the Special Use Permit with the Hearing Officer's recommended conditions and the additional condition that the restriction of the Special Use to the Petersens be removed from the list of conditions, seconded by Mr. Walt, and the motion carried unanimously.

SPECIAL USE -- Askew

Mr. Miller briefed the Committee on the application of Sheri Askew, representing the property owner, for approval of a Special Use Permit to allow an animal hospital on property located at 13669 State Rte. 38 in Cortland Township. The one-acre subject property is located approximately 820 feet east of the intersection of Rte. 38 and Somonauk Road, and is zoned BC, Business Conservation District. He noted that the required public hearing was conducted on December 17, 2009 by DeKalb County Hearing Officer Ron Klein. At the hearing the petitioner provided testimony and exhibits in support of the requested Special Use, including that the use would be a small-animal hospital with one veterinarian initially. The building would be improved with new siding, an entryway addition, and a fenced area in the back for exercising dogs. A parking lot would be constructed in front of the building, and the driveway would be improved pending approval from the Illinois Department of Transportation. A free-standing sign would be placed in the front yard. No members of the public spoke in favor of or in opposition to the request. The Town of Cortland had submitted a letter stating that no objection to the plan. Mr. Miller noted that the Hearing Officer recommended approval of the Special Use Permit and that staff thought the proposed improvements to the property would be of benefit to the area.

The Committee agreed with Mr. Miller that the project would be a good fit for the location and welcomed the business to the community.

Mr. Walt moved to recommend approval of the Special Use Permit with the condition that applicant comply with the proposed plans, seconded by Mr. Larry Anderson, and the motion carried unanimously.

DISCUSSION ITEM – Annual Report

The Committee briefly reviewed the FY 09 Planning, Zoning and Building Department Report, noting that the certain projects, such as the new hospital in 2005, the gas compressor station in 2008, and the wind farm project in 2009, added significant amounts to the value of construction.

Mr. Miller noted that the wind farm project had involved the Department all year long and complimented his staff for their work on the project. The Committee also appreciated the efforts of the entire department.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet January 27, 2010 at 7:00 p.m. in the Conference Room East.

Mr. Haines moved to adjourn, seconded by Mr. Larry Andersen, and the motion carried unanimously.

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman

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