

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
May 26, 2010**

The Planning and Zoning Committee of the DeKalb County Board met on May 26, 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, Larry Anderson, Marlene Allen, Michael Haines, John Hulseberg, and Stephen Walt. Also, in attendance were staff members Paul Miller and Rebecca Von Drasek.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order, and noted that Ruth Anne Tobias and Pat Vary were absent.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Haines noted that the Committee approved his audio attendance for the April 28, 2010 meeting but that he was unable to call in.

Mr. Hulseberg moved to approve the minutes of the April 28, 2010 meeting of the Planning and Zoning Committee, seconded by Mr. Walt, and the motion carried unanimously.

TEXT AMENDMENT

Mr. Miller briefed the Committee on the Text Amendment application filed by Jennifer Tomkins, co-owner of property located at 17596 Buzzell Road in Sycamore Township. He explained that the application was for an Amendment to the text of the DeKalb County Zoning Ordinance, and for a Special Use Permit in reliance on the proposed Amendment. The Amendment is to add "bed and breakfast" as a possible Special Use in the A-1 Agricultural District. The requested Special Use Permit was to allow the establishment and operation of a bed and breakfast on the property at 17596 Buzzell Road. Mr. Miller noted that the petition was filed in accordance with the requirements of Sections 10.04 and 9.02.B of the Zoning Ordinance.

Mr. Miller reported that DeKalb County Hearing Officer Ron Klein conducted a public hearing on the proposed Text Amendment and Special Use Permit on February 25, 2010. The petitioner testified at the public hearing that many jurisdictions allow bed and breakfasts as part of agriculture-themed tourism, and that traffic associated with bed and breakfasts would be light. Most bed and breakfasts rent five to eight rooms, accommodating a maximum of ten to 16 guests at any one time. Staff noted at the public hearing that the current definition of "bed and breakfast" contained in the Zoning Ordinance limits the maximum number of rooms that may be let to five. Mr. Miller clarified that the petitioner was not seeking to change the existing definition.

Mr. Miller noted that the Hearing Officer submitted his Findings of Fact and recommended approval of both the Zoning Text Amendment and the Special Use Permit, with conditions. However, subsequent to the hearing the petitioner withdrew the application for Special Use Permit and is now seeking approval of the Zoning Text Amendment only. Mr. Miller noted that bed and breakfasts are permitted within the RC-1 District.

Mr. Haines emphasized his support of the amendment, stating that this type of use was a potential source of income and was very appropriate to help preserve small farms within the County. He stated that there are not enough efforts to preserve small farms and that these types of uses should be promoted as a way of retaining family farms.

Mr. Hulseberg agreed, noting that the rural bed and breakfasts would promote farming and that he felt this amendment was a good start to promoting tourism in the area.

Mr. Walt asked staff what, if any, implications this Amendment could have, since the petitioner has withdrawn the Special Use application. Mr. Miller responded that the bed and breakfasts are considered a "change in use" which can necessitate building revisions to meet minimum fire code and building standards. Mr. Miller observed that the required revisions can be expensive and may not be appropriate for every property.

Mr. Ken Andersen clarified that bed and breakfasts would be a Special Use in the A-1 District, and staff agreed.

Mr. Andersen recognized Ms. Tomkins, the applicant for the Text Amendment, and asked if she wanted to inform the Committee further.

Ms. Tomkins noted for the Committee that she had withdrawn because of Fire Code compliance issues. She asserted that bed and breakfasts would provide a source of revenue and promote tourism for the entire County. She noted that the costs of retrofitting homes to meet Fire Code, however, would be cost prohibitive. She informed the Committee that her minimum cost estimates were \$50,000 for renovations to install sprinklers, fire proof doors, etc.

Mr. Walt asked staff why there are code restrictions. Mr. Miller explained that the International Building Codes are adopted by the County and enforced by the Planning, Zoning, and Building Department. The Building Code has requirements for different types of building uses. He also explained that the use of a property as a bed and breakfast is different from a single family dwelling in that guests do not have the familiarity that the residents do with the structure and the surroundings. This is an important consideration in the case of a fire.

Mr. Haines observed that he had stayed in many bed and breakfast in other countries and felt that they were safe. He also asserted that the bed and breakfasts were a needed alternative source of income for the small family farmer.

The Committee briefly discussed family-owned farming operations in comparison to large-scale and industrial farming operations.

Ms. Allen noted that many of the homes which may consider a bed and breakfast business are older, larger homes.

Mr. Ken Andersen calculated that recouping the cost of the renovations would be difficult for a such a small number of rooms within a bed and breakfast.

Mr. Haines asked staff to involve Toby Petrie, Building Inspector, in a future conversation about the Fire Code requirements for this type of change in use. Mr. Ken Andersen concurred, and staff agreed to incorporate this discussion into a future agenda item.

Mr. Haines moved to approve the Text Amendment to add "bed and breakfast" as a Special Use in the A-1, Agricultural District, seconded by Mr. Hulseberg, and the motion carried unanimously.

MONTHLY REPORT

Mr. Miller briefly updated the Committee on the mitigation project for Evergreen Village, explaining that staff is waiting for the Illinois Department of Commerce and Economic Opportunity to create an application process for the Federal funding which has been earmarked for Illinois flooding mitigation projects. This funding may pay for the County's 25 percent local match for the Evergreen Village Mitigation Project, which is estimated at \$1.4 million dollars.

Mr. Hulseberg asked if relocation assistance for the residents was included in the cost estimates. Mr. Miller responded that it was included in earlier cost projections. Mr. Hulseberg followed-up that he would like to see the County provide 100% relocation assistance for the residents for at least six months. Mr. Miller offered to confirm what assistance is included in the current proposal.

Mr. Walt asked what staff was doing as a follow-up to the turbine damaged by the storm on May 7, 2010. Mr. Miller noted that staff had been in contact with company officials regarding the necessary documents for a building permit to replace the blade. He also informed the Committee that he had contacted the company and asked for a copy of the investigation report. He noted that staff wanted to determine that this was a rare weather related occurrence rather than a design flaw in the blade.

Mr. Walt observed that a design flaw would be totally unacceptable.

Mr. Larry Anderson asked about the staff review of the sound study completed by NextEra. Mr. Miller noted that the company was required by the County Ordinance to provide evidence of their compliance with the Illinois Pollution Control Board standards for noise. He explained a meeting had been scheduled to review staff's questions and concerns.

Mr. Ken Andersen asked that a staff report on the sound study be added as an agenda item for a future meeting.

Mr. Hulseberg reported on a preliminary discussion about locating a rural recycling center at NextEra's Operation's building near Shabbona.

Mr. Ken Andersen asked questions about the difference in fees for commercial structures. Mr. Miller explained that fees are based on square footage and number of lighting and electrical fixtures, plumbing connections, and HVAC openings. Staff also observed that some projects are charged additional fees after a complete review.

Mr. Hulseberg asked why an individual versus a contractor is listed as the applicant. Staff explained that whomever completes the application generally is listed as the applicant. Staff iterated that the name listed does not alter the method by which an application is reviewed.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet June 23, 2010 at 7:00 p.m. in the Conference Room East.

Mr. Larry Anderson moved to adjourn, seconded by Ms. Allen, and the motion carried unanimously.

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman

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