

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
February 23, 2011**

The Planning and Zoning Committee of the DeKalb County Board met on February 23, 2011 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members John Hulseberg, Ruth Anne Tobias, John Emerson, Jeff Whelan, and John Gudmunson. Also in attendance were Paul Andresen, Richard Schmack, Roger Craigmile, Mel Hass, Gary Hulthen, and staff members Paul Miller and Rebecca Von Drasek.

John Hulseberg, Planning and Zoning Committee Vice-Chair, called the meeting to order and noted that Ken Andersen and Pat Vary were absent.

APPROVAL OF AGENDA

Mr. Whelan moved to approve the agenda, seconded by Mr. Gudmunson, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Hulseberg inquired if there had been any further discussion with Howard Petersen regarding his request at the December 8, 2011 meeting to revise the liquor licenses granted by the County. Mr. Miller responded that he and Chairman Andersen had met with Mr. Petersen and found a solution which would not require action by the County Board.

Mr. Emerson moved to approve the minutes of the December 8, 2010 meeting of the Planning and Zoning Committee, seconded by Ms. Tobias, and the motion carried unanimously.

ZONING MAP AMENDMENT

Mr. Miller briefed the Committee on the application by Paul D. Andresen and Karin L. Voorhies for a Zoning Map Amendment to rezone property located at 6288 State Rte. 38 from MXD, Mixed Use Development, to PD-R, Planned Development-Residential. He noted that the 2.51-acre subject property contains an existing 16-unit apartment building. The required public hearing was held on January 27, 2011 by DeKalb County Hearing Officer Kevin Buick. At the hearing the petitioner indicated that the apartment building was constructed in 1971 as part of a development that included the adjoining nine-hole golf course. In 1976 a single-family residence was constructed south of the apartments. In 1991, the County rezoned the area MXD, Mixed Use Development, which made the properties and uses legal, nonconforming with respect to the County's zoning regulations. However, in 2000 the owner sold a piece of the apartment property to the new owner of the house to the south. This rendered the apartment property illegal, nonconforming. In order to bring the property back into compliance, the owner is seeking to rezone the apartment property to PD-R, Planned Development-Residential. Staff indicated at the hearing that because no changes were proposed to the property, there was no conflict with the recommendations of the County's Comprehensive Plan. No members of the public spoke in

favor of or in opposition to the request at the hearing. Mr. Miller concluded by noting that the Hearing Officer recommended approval of the request for rezoning the subject property to PD-R, including a Variation to allow the existing carport to be closer to a lot line than otherwise required by zoning. The Hearing Officer's recommendation included as conditions of approval that the use be limited to the current residential density and that an easement be agreed to with the owners of the neighboring property to allow for use and maintenance of that portion of the existing carport that is on the adjoining property. Mr. Miller noted that the applicant submitted a copy of an executed easement with the neighbor prior to the Committee meeting.

Mr. Whelan clarified the location of the carport overhang on the neighboring property. The applicant submitted a revised Plat of Survey showing the easement in detail.

Mr. Hulseberg directed staff to confirm that the easement language was sufficient to satisfy the Hearing Officer's recommendation prior to the County Board's March meeting, and Mr. Miller agreed to do so.

Ms. Tobias moved to recommend approval of the Zoning Map Amendment with conditions, seconded by Mr. Gudmunson, and the motion carried unanimously.

COMPREHENSIVE PLAN UPDATE

Mr. Miller explained to the Committee that staff held three Open House meetings in January to gather public input on the draft 2011 Comprehensive Plan Update. Staff collected and distributed a summary of the public comments from the Open Houses to the appropriate entities for consideration, and included the same, along with written responses from staff, within an Appendix to the draft Plan. Mr. Miller stated that the February 8, 2011 memo detailed the three comments that could be considered policy changes or require resource allocations if included within the Comprehensive Plan and thus merited consideration by the Planning and Zoning Committee. The comments were: 1.) The County should adopt a policy of supporting the creation of agricultural conservation easements throughout the County, and be prepared to direct the State's Attorney to defend such easements should the need arise; 2.) The County should adopt a policy of constructing bike lanes as part of any road improvement or new road construction, including a commitment of local funds to construct such lanes when standard funding is insufficient; 3.) The County should include an energy plan as part of the Comprehensive Plan.

Mr. Miller also reported to the Committee that he had received an e-mail from Pat Vary with some suggested revisions to the Plan.

Mr. Hulseberg began the discussion by highlighting staff's ongoing efforts to update the Comprehensive Plan. He asked if staff had received any responses from the other agencies where comments were sent. Mr. Miller responded that the Regional Planning Commission had already met and discussed the issues raised by the public at the Open Houses and by the draft Plan. Mr. Miller asserted that the municipalities continue to support the County's efforts and appreciate that the County is not in competition with the municipalities for non-agricultural growth and development.

Mr. Whelan thanked Mr. Miller for including the citizen's comments regarding the Village of Kirkland from the Open House held in Genoa on January 11, 2011.

Ms. Tobias questioned the definition of "open space" on page 42 of the draft. Mr. Miller noted that the term is not used in unincorporated DeKalb County as a land use category. He noted that it was used by some of the County's municipalities. Mr. Miller stated that the definition of "open space" is sometimes used to indicate areas not to be developed and other times it is defined as an area reserved for future development.

Mr. Hulseberg also noted the objection by Greg Millburg to the "green zones", created by agreements between municipalities. Mr. Miller responded that the County is not party to the discussions between neighboring communities regarding boundary agreements and cannot prevent their agreements from including buffer areas.

Mr. Miller also noted that the DeKalb Land Trust had submitted a letter encouraging the County to promote and protect "conservation easements". Mr. Miller noted that this issue had come up in the past but he noted that this type of approach could lead to an erosion of cooperation from the municipalities because the easements could be construed as a method to curb growth of the municipality.

Mr. Miller stated that the request to require bike lanes with all road improvements was discussed with the County Engineer. He explained that Mr. Lorence indicated bike lanes are always a consideration for new roads or road improvements, but there is rarely funding for such lanes in the standard financing. Ms. Tobias agreed that it would be a nice feature to include everywhere but may not be financially feasible. Mr. Miller noted that the draft Plan endorses the idea of bike lanes and the improvement of trails on the Transportation Plan. He also noted a study recently completed by DSTATS is referenced within the draft Comprehensive Plan on page 37, and notes that the most common issue raised regarding bike and hike trails in the County is connectivity of existing trails.

Ms. Tobias thought that the portions of the draft Comprehensive Plan which support groundwater planning and study tied in well with the County's participation with the Illinois Regional Water Supply Planning Group. Mr. Miller pointed out stormwater and groundwater are mentioned in a variety of places of the draft Comprehensive Plan.

Mr. Miller read to the Committee Pat Vary's e-mail regarding the Comprehensive Plan update, noting that she would add sentences in support of considering energy efficiency and best management practices. She also would like to encourage the installation bike lanes by building wider sidewalks. Mr. Hulsberg noted that any of these suggestions could be added in the future to the Comprehensive Plan if the County does not have the resources now.

Following a brief discussion of the timing for the next update to the Comprehensive Plan, the Committee directed staff to schedule the Public Hearing for the DeKalb County 2011 Comprehensive Plan update. Mr. Miller noted that the Public Hearing would be scheduled for

March 24, 2011, and would then come back to the Committee for a final recommendation in April, and to the County Board for a final vote in May of 2011.

DISCUSSION ITEM - Fiscal Year 2010 Year-End Report

Mr. Miller highlighted the sections of the Annual Report noting that the report details the number of Building Permit within 2010 as well as the number of Zoning Actions, Site Development Permits, and Code Violations cases. He explained that, as was expected in a struggling national economy, the number of Building Permits have decreased, although he did note that farmers continue to invest in improvements.

Mr. Hulseberg asked from where the County Code violations come. Mr. Miller explained that neighbors provide the majority of complaints. Staff also noted that the Sheriff's Department, Animal Control, and egregious violations observed by staff can also initiate a violation inquiry. Mr. Miller emphasized that any citizen with a legitimate complaint can expect the County to enforce its regulations. He went on to explain the process of contacting a property owner, allowing a property owner to bring a property to compliance, noting that failure to comply within a reasonable amount of time would result in the issue being forwarded to the Code Violation Unit and then onto the judicial system if necessary.

MONTHLY REPORT

Mr. Miller briefly explained that an income survey of Evergreen Village was conducted as part of the application to the Illinois Department of Commerce and Economic Opportunity (DECO) for grant funds which will purchase the 50 acre property and the mobile homes on the site, as well as provide relocation assistance for the residents. Staff received a good survey response rate of approximately 79 homes out of the 130 in the park. Mr. Miller asserted that the survey provided DECO with evidence that the homes were all moderate to low income residences as was required to receive the grant.

Mr. Whelan asked if the County would be responsible for relocating the residents. Mr. Miller responded that the mobile homes would be purchased and residents would receive financial assistance, but that the County would not be tasked with relocating the park.

Mr. Hulseberg asked if the relocation assistance would cover 18 months. Mr. Miller responded that the details are still vague but once the money is made available more of the details will come to light.

PUBLIC COMMENTS

Mel Hass addressed the Committee, stating that he and other property owners in DeKalb County attended the Illinois Wind Energy Association meeting in Bloomington in February of 2011. He asserted that some of the speakers at the meeting attested to the negative consequences of wind turbines (i.e. negatively impacting wildlife, creating road damage, and causing noise). Specifically, Mr. Hass cited Chris Howell's findings regarding "wind shear" which might be caused by varying ground and air temperatures. He also noted that Mr. Miller was a speaker at

the event. Mr. Hass stated that even though he disagrees with the use of the property value guarantee that began with Waste Management, he was pleased that Mr. Miller encouraged the use of property value guarantees at the event. Mr. Hass concluded by stating that he and other attendees had agreed that Mr. Miller was one of the better speakers at the event and thanked him for his contribution.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet March 23, 2011 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

John Hulseberg
Planning and Zoning Committee Vice-Chairman