

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
June 22, 2011**

The Planning and Zoning Committee of the DeKalb County Board met on June 22, 2011 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, John Emerson, Jeff Whelan, and Dan Cribben. Also in attendance were Roger Craigmile, Jim Nilles, Gary Lothson, Travis Ralph, Arthur Bingham, Julie Bingham, and staff members, Paul Miller and Rebecca Von Drasek.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Tobias moved to approve the minutes of the May 25, 2011 meeting of the Planning and Zoning Committee, seconded by Mr. Whelan, and the motion carried unanimously.

SPECIAL USE

Mr. Miller explained that Country Gas Company, on behalf of property owners Arthur and Julie Bingham, has filed a petition for approval of a Special Use Permit to allow an agribusiness in the form of a propane delivery business on property located at 8680 Old State Road in Mayfield Township. The ten-acre subject property is located at the southeast corner of the intersection of Annie Glidden and Old State Roads, and is zoned A-1, Agricultural District with a Special Use Permit for a grain drying business. The application has been filed in accordance with the requirements of Section 9.02.B of the Zoning Ordinance.

The required public hearing was held on May 19, 2011 by DeKalb County Hearing Officer Kevin Buick. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that an existing 30,000-gallon propane tank on the subject property would be used as a fueling depot for Country Gas. Most of the deliveries from the subject property would be to customers who are engaged in agriculture. There would be no office or employees based from the subject property. The estimated traffic would be one propane truck per day. Discussion was held about staff's suggestion that landscaping be installed along the west side of the tank to help soften the appearance for motorists on Old State Road. No members of the public spoke in favor of the request, and one spoke in opposition.

The Hearing Officer submitted his findings, and recommended approval of the Special Use Permit with conditions, including direction that the petitioner work with staff on a solution to soften the appearance of the tank, and setting specific hours of operation.

Ms. Tobias inquired if the tank was installed with a Permit. Mr. Miller responded that the installation of the tank had taken place prior to the application for the Special Use Permit.

Mr. Whelan confirmed that the request was for approximately one truck visit to the subject property a day. Mr. Miller stated that the applicant had proposed minimal traffic visits. Mr. Whelan also indicated that he supported taking some measure to soften the appearance of the tank.

Mr. Andersen recognized Mr. Bingham and inquired as to his ideas for partially screening or reducing the utilitarian appearance of the tank.

Mr. Bingham observed that painting the tank a light green might visually blend it with the surrounding trees. Mr. Bingham also stated that he objected to installing trees on the west side of the tank closet to Glidden Road because of concerns about adequate air flow around the tank.

Mr. Emerson noted that the propane tank was large, as was Mr. Bingham's grain dryer.

Mr. Whelan noted that compost was also being made on the property and if, given that compost generates heat, the tank was far enough from the compost piles. Mr. Bingham stated that the compost piles were approximately 120 feet from the tank.

Mr. Andersen inquired as to the safety of painting the tank, since a darker color might absorb more heat and thus potentially create a danger for the propane gas. Mr. Ralph, from Country Gas, stated that although the paint colors are not regulated there are suggested preferences that the tanks not be dark in color. Mr. Ralph also explained that the tank is only filled to 80% capacity to allow for expansion of gas.

Mr. Andersen noted that the Committee's primary concern is the safety of DeKalb County residents. He confirmed that Mr. and Mrs. Bingham were the only residents on the property.

Mr. Emerson opined that the tank was quite safe.

Mr. Whelan inquired as to how the tank is filled with propane. Mr. Ralph responded that a certified technician fills the tank from a truck.

Mr. Emerson moved to recommend approval of the Special Use Permit with the revised condition that the petitioner work with staff to select a color for the tank which would soften it's appearance, as well as a condition related to the hours of operation as stipulated by the Hearing Officer's findings, seconded by Ms. Tobias, and the motion carried unanimously.

DISCUSSION ITEM

Mr. Miller explained that the Planning and Zoning Committee discussed property maintenance codes at its meeting of May 25, 2011. The County does not currently have a property maintenance code, but staff often receives complaints about “junky” yards, and occasionally receives calls of concern that a house has been abandoned or is in poor condition. He informed the Committee of past discussions of the pros and cons of a property maintenance code, and that the Committee has stopped shy of recommending the adoption of one to the full County Board. Mr. Miller explained the current policy on such complaints is to assess the state of the property or house and, if deemed appropriate, coordinate with the State’s Attorney on a nuisance violation.

At the May 25, 2011 meeting the Committee directed staff to research whether surrounding counties have property maintenance codes as part of their zoning ordinances or building codes. Mr. Miller reported that staff contacted Boone, McHenry, Kane, Kendall, LaSalle, Lee, and Ogle Counties, and found that only Kane has a property maintenance code. Kane County’s property maintenance code is an expansion of its nuisance provisions, and is enforced by its Health Department, and properties zoned and used for agriculture are specifically exempt. This approach is substantially similar to DeKalb County’s policy. Mr. Miller did not suggest changes or the addition of a property maintenance codes at this time.

Mr. Andersen agreed that the codes would require a greater obligation of the County and additional resources which are not readily available.

Ms. Tobias asked if DeKalb County was maintaining a registry of empty homes, as in the Kane County regulations. Mr. Miller responded that he was not aware of one.

Mr. Andersen observed that Kane County has a much larger population than DeKalb County.

Following the discussion, no action was taken by the Committee.

MONTHLY REPORT

The Committee made no comment.

PUBLIC COMMENTS

Mr. Andersen asked the public present if they had any comments for the Committee.

Mr. Nilles observed that a neighboring property owner was demolishing a house and burying the debris on their property. Mr. Miller indicated that staff would review the property and determine if there were any violation of County regulations and that staff would contact the Health Department.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet July 27, 2011 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

Ken Andersen
Planning and Zoning Committee Chairman

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