

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
November 30, 2011**

The Planning and Zoning Committee of the DeKalb County Board met on November 30, 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, Dan Cribben, John Emerson, John Hulseberg, Ruth Anne Tobias, Pat Vary, and Jeff Whelan. Also in attendance were Jennifer Soule, Kelly Lambert, Russell Burns, Darin Ryan, Ryan Hayes, Greg Millburg, Roger Craigmile, and Planning, Zoning and Building Department staff members Paul Miller and Rebecca Von Drasek.

Ken Andersen, Planning and Zoning Committee Chairman, called the meeting to order and noted that all members were present.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Vary moved to approve the minutes of the October 26, 2011 meeting of the Planning and Zoning Committee, seconded by Mr. Emerson, and the motion carried unanimously.

SPECIAL USE PERMIT

Mr. Miller explained that Jennifer Soule and Kelly Lambert have filed an application for a Special Use Permit to allow an animal shelter, dog training, and kennel on property located at 27779 Five Points Road in Mayfield Township. The four-plus acre subject property is located on the west side of Five Points Road, approximately 2,500 feet north of North Grove Road, in Mayfield Township. The parcel is zoned A-1, Agricultural District. The required public hearing was held on November 10, 2011 by DeKalb County Hearing Officer Dave Dockus. At the hearing, the petitioners provided testimony and exhibits in support of the requested Special Use, including that the total number of dogs sheltered would not exceed 12, and that the size of classes would not exceed six dogs. A full-time employee would reside in the house on the subject property, and the outside exercise and activity area would be surrounded by fencing. Five members of the public spoke in opposition to the request, citing concerns over noise and possible negative impacts to property values. One member of the public spoke in support.

Mr. Miller summarized the Hearing Officer's findings, noting that he has recommended approval of the Special Use Permit with conditions. These include compliance with the comments by the DeKalb County Health Department, and no more than 30 dogs (whether boarded, in training, or owned by the residents of the property) be on the property at any given time.

Mr. Hulseberg inquired as to the capability to enforce the restriction on breeding animals at the property. Ms. Soule noted that breeding of dogs would be contrary to the intent of the rescue. In

addition, Mr. Miller responded that the County Animal Control Officer would have authority to inspect the facility to verify compliance.

Mr. Cribben clarified the applicant would be installing a separate well and septic system for the boarding facility. Ms. Soule responded that they would comply with all of the Health Department's requirements for the new facility. Mr. Cribben also inquired as to the proposed traffic to and from the property. Ms. Soule responded that the traffic would be from individuals viewing and adopting of the dogs, volunteers, and training classes. She indicated that the classes would not be larger than 6-8 people per class, and that they may offer one or two classes a night Monday through Thursday between 6pm and 9pm.

Mr. Whelan asked if the rescue would be exclusive to huskies. The applicant responded that the rescue would be dedicated to huskies, but that they would assist individuals with other dogs find agencies able to assist with their dogs placement. Ms. Soule also explained that the veterinary services would be provided by Tails, and that there would be a network of foster homes working with the rescue.

Mr. Emerson asked how many husky rescues were in Illinois. Ms. Lambert responded that she was aware of three in the general area, although one those was in Indiana.

Ms. Vary inquired if there was a contingency plan if the staff member residing at the property was unavailable. The applicant agreed to create a plan. Ms. Vary also confirmed that the applicant was aware of the prohibition from adding a kitchen to the dog kennel. The applicant acknowledged this restriction.

Ms. Tobias asked how the applicant intended to address the neighbors' concerns about barking. Ms. Soule responded that the facility would be built to the current energy code which would require a significant amount of insulation, the facility would be staffed so that action could be taken, and the dogs would not be left outside unsupervised. Ms. Tobias also asked staff how barking complaints would be handled by the County. Mr. Miller responded that the barking complaints would most likely be directed to the Sheriff's Department. He reminded the Committee that any special use found to be a nuisance could be brought back before the County Board. Mr. Miller noted that staff has not received complaints about any of the previously approved kennels.

The Committee briefly discussed the land uses surrounding the subject property, noting that residences and agricultural uses dominate the area.

Mr. Andersen stated that he was not in favor of the proposal because of the neighboring agricultural and residential uses, and because of security concerns raised at the public hearing. He stated that he did not feel the Hearing Officer's recommended conditions would adequately address the neighbor concerns, and indicated that he wanted better assurances as to how the use would not create a disturbance to the neighbors. Ms. Soule responded that a well-constructed fence and the facility design were intended to preempt the neighbor concerns. She also said that the dogs which would be brought to the shelter would be screened to determine suitability for adoption. Ms. Soule added that the Hearing Officer's allowance for a maximum of 30 dogs was

his attempt to address a peak event when the classes and kennels are all full and the resident staff member has her dogs on the property. She asserted that 30 dogs at the property would be extremely unusual rather than the norm.

Ms. Vary noted that this number of dogs was no larger than other breeding kennels previously approved by the Committee. Mr. Andersen responded that he felt there were more concerned neighbors in this case.

Mr. Andersen asked if a decibel level should be set to address noise concerns. Mr. Miller responded that staff was not equipped to monitor such a condition. Mr. Andersen mentioned that one neighboring property owner, Ryan Hayes, was considering building a house nearby and this use may affect his continued investment in the property.

Ms. Vary moved to recommend approval of the Special Use with the conditions suggested the hearing officer, seconded by Ms. Tobias. Following a roll call vote the motion passed with Mr. Hulseberg, Ms. Tobias, Ms. Vary, and Mr. Whelan in favor of the motion and Mr. Andersen, Mr. Cribben, and Mr. Emerson against the proposal.

Mr. Hulseberg requested staff work with the Animal Control Officer and generate a report for the Committee on the status of the various kennels previously approved within the County.

SPECIAL USE PERMIT

Mr. Miller explained that Darin Ryan has filed a petition for approval of a Special Use Permit to allow a tree service business to continue operating on property located south of 17271 State Route 23 in Afton Township. The 2.76 acre subject property is located approximately 1,200 feet north of the intersection of State Route 23 and Keslinger Road, and is zoned A-1, Agricultural District. The application has been filed pursuant to the requirements of Section 9.02.B of the Zoning Ordinance. The required public hearing was conducted on November 17, 2011 by DeKalb County Hearing Officer Ron Klein. The petitioners provided evidence, testimony and exhibits in support of the tree service business, explaining that the subject property would primarily be used for storage of materials, equipment and vehicles associated with the business, and for staging of activities that would take place off-site. No office space was proposed, nor any visits to the property by customers. The petitioner also requested a Variation from the parking regulation of the Zoning Ordinance to allow a total of eight spaces in lieu of the 55 spaces required. Staff raised numerous concerns with the inadequacy of the Special Use application and the dearth of information provided by the petitioner. Concerns included no provision for employee washrooms, insufficient parking, and unacceptable plans for storage of wood and dirt on the property. Mr. Miller summarized the Hearing Officer's findings and recommendation that the Special Use Permit be approved with conditions, including that an existing pile of dirt and a pile of logs on the property be removed within 90 days of approval of by the County Board.

Ms. Vary asked the applicant where the large pile of logs would go and where would future trees go. Mr. Ryan indicated that his father sells firewood from property on Rt. 38 in the City of DeKalb. He stated he has agreed to remove the logs and dirt within 90 days of approval.

Mr. Emerson stated that he had no objection to the use.

Mr. Cribben asked staff if it has received greater cooperation from the applicant than it had when the Special Use process began. Mr. Miller responded that cooperation has improved and he was confident the applicant would continue to work with staff to resolve outstanding issues. He noted that other than the specific 90 day requirements, the applicant will have one year to comply with the conditions of the Special Use.

Mr. Whelan confirmed that the mulch was only stored on site and not manufactured. The applicant noted that the bins at the back of the property would be used to store mulch but not create it.

Mr. Andersen inquired into the thoroughness of the review by the County Engineer. Mr. Miller responded that the County Engineer comments are a response to concerns about stormwater management.

Ms. Vary moved to recommend approval of the Special Use with the conditions suggested the hearing officer, seconded by Mr. Cribben. Following a roll call vote the motion passed unanimously.

DISCUSSION ITEM -- Next meeting of the P&Z Committee

The Committee had voted at its October 26, 2011 meeting to reschedule the November 2011 meeting, and to cancel the regularly scheduled December 2011 meeting. The next meeting of the Planning and Zoning Committee will be January 25, 2012.

PUBLIC COMMENTS

Mr. Andersen asked the public present if they had any comments for the Committee. No comments were offered.

Mr. Andersen offered comments regarding the process by which zoning actions are considered, and a brief discussion ensued. Mr. Andersen specifically felt the Committee was too limited by the public hearing process for a fully-informed discussion related to zoning requests. Mr. Miller offered that it is very common for decision-making bodies to rely on a recommending body or individual for the conducting of public hearings and generation of a recommendation. The process is intended to vet a proposal in a timely and organized method. He suggested that the alternative to having a recommendation from a Hearing Officer would be to have the County Board act as a planning commission, which would significantly slow the process by which zoning actions are reviewed and approved.

MONTHLY REPORT

Mr. Andersen informed the Committee he had attended the Code Violation for the Stonehouse Park and he found the process interesting.

Mr. Whelan noted that ComEd had an upcoming Variation request. He observed that while driving past the property recently that there was a light on the ComEd site which directed glare onto Keslinger Road. Mr. Miller offered to bring this information to the attention of ComEd representatives.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet January 25, 2012 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

Ken Andersen
Planning and Zoning Committee Chairman

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