

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
January 25, 2012**

The Planning and Zoning Committee of the DeKalb County Board met on January 25, 2012 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 Randy Ullrich, Robert and Vickie Faivre, Dave Campbell, David Kleckner, Kurt Muth, 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. Vary, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Emerson moved to approve the minutes of the November 30, 2011 meeting of the Planning and Zoning Committee, seconded by Ms. Vary, and the motion carried unanimously.

PLANNED DEVELOPMENT - COMMERCIAL

Mr. Miller explained to the Committee that Randy Ullrich, the property owner, has filed an application for approval of a Planned Development-Commercial. The request is to allow property located at 16847 State Rte. 23, which is currently zoned PD-C, Planned Development-Commercial but has no specific list of uses authorized by ordinance, to be used for a business that stores construction mats. The storage business would also sub-lease the property for use as a construction staging area. The 5.07-acre subject property is located on the west side of Rte. 23, approximately 400 feet south of the intersection of Rte. 23 and Keslinger Road.

The required public hearing was opened on December 1, 2011, then continued to and concluded on January 5, 2012, by DeKalb County Hearing Officer Ron Klein. The petitioner explained that the subject property was previously a concrete block business, and now houses New South Mats, which provides temporary road surfaces for construction projects. New South Mats is also sub-leasing a portion of the property to ComEd to store vehicles, trailers and equipment associated with construction projects in the general area. Staff explained that it is the presence of two uses which necessitates the approval of a planned development. The public hearing was continued for a month in order to give the petitioner time to produce a formal site plan for evaluation by the County. However, at the continued public hearing, the petitioner explained that the cost of providing a formal site plan that would include parking, setbacks, landscaping, topography and drainage information was too high. Staff asserted that the petitioner has submitted insufficient information for the County Board to make an informed decision. Staff also pointed out that planned developments are supposed to be “imaginative,” “innovative” and accommodate desirable additions to the community, but that the application was sub-standard even with respect

to normal developments. Staff recommended denial of the request. No members of the public spoke in favor of or in opposition to the request. The County Engineer submitted a letter indicating that the request should not be approved until additional information about the use of the property is provided. Mr. Miller noted that the Hearing Officer has submitted his Findings of Fact and recommended denial of the request for approving a PD-C on the subject property.

Mr. Miller reiterated that the sub-leasing of the subject property necessitates the requirement that the property owner seek the Planned Development Commercial. He explained that if the Committee recommends approval or approval with conditions, it would be necessary to create alternative findings since it could not rely on the Hearing Officer's evaluation.

Ms. Tobias asked if this application was forwarded with a denial to the County Board would that preclude the applicant from a future application. Mr. Miller responded that a re-application for approval of a Planned Development-Commercial on the property could be made in the future.

Ms. Vary noted that she had been past the property and that it appeared to be a very active work site. She inquired if tabling action on the item were a more desirable alternative than voting to deny. Mr. Miller responded that the impasse appears to relate more to cost of planning and improving the property rather than the amount of time needed to create a plan.

Mr. Andersen inquired from the applicant the estimated cost to create a site plan. Mr. Ullrich responded that it would cost \$4,000 to have a site plan prepared by an engineer.

Mr. Miller stated that a hand drawn plan could be acceptable if detailed enough. He explained that the plans submitted to date did not give enough information to justify the County approving an expanded use. He added that the site plan should show existing and proposed improvements to the subject property, and noted that if the cost of creating the plan was an obstacle, completing the needed improvements would also entail costs which the applicant is not willing to commit to at this time.

Mr. Hulseberg inquired if the potential sale of the property to the tenant would make a change in the requirement to seek the Planned Development. Mr. Miller explained that having two uses on the subject property necessitated the application without regard to who owns the property.

Mr. Whelan reported that he had spoken with the County Engineer regarding upcoming projects ComEd would be undertaking in the County in 2012. He explained that these projects require a staging area.

Mr. Emerson stated that he wanted to support business in DeKalb County and asserted that he felt that this property was the appropriate place to base these types of activities.

Mr. Miller informed the Committee that the applicant also had not yet paid the required balance of fees for the Zoning Application.

Mr. Hulseberg asked if it would be appropriate to table and give the applicant more time to submit a site plan. Mr. Miller responded that the hearing would need to be reopened and re-noticed if the applicant were to submit a revised site plan. He also explained that the hearing had been continued for a month for that very purpose, but no better site plan was submitted.

Mr. Andersen agreed that he wanted to keep business in DeKalb County and in the spirit of cooperation find common ground to work with the applicant.

Ms. Vary noted that the County's should at least be met halfway when it comes to complying with the regulations regarding site improvements.

Ms. Tobias asked if the tenant, New South Mats, or ComEd were committed to cleaning up the property. Mr. Ullrich stated that South Mats thought the costs for the site plan were unreasonable.

Mr. Cribben asked how this issue started. Mr. Miller pointed out to the Committee that staff has not had any contact with New South Mats to discuss the zoning requirements. He also explained that this issue was brought about by the Building Inspector observing the placement of construction trailers on the subject property without Building Permits or inspections. After conferring with the property owner about the use of the property staff had determined to accommodate the uses on the subject property the owner could seek approval of a Planned Development. Mr. Miller emphasized that the Planned Development would create an Ordinance governing the property and allow for the variety of uses, and reflect the agreement on the County's standards for issues such as parking and landscaping.

Mr. Andersen asked about the applicant's options. Mr. Miller explained that the applicant could: (1) withdraw the application, which would give him time to further discuss the tenant's needs and reapply in the future; (2) agree to submit a revised site plan and commit to certain improvements; or (3) the Committee could vote on application and make a recommendation to approve or deny to the County Board. If the County Board denies the application or if the application were withdrawn, Mr. Ullrich would need to direct the tenant to cease sub-leasing and staff would visit the property to confirm the removal of ComEd materials.

Mr. Andersen confirmed that the applicant could withdraw after the Committee voted on a recommendation and Mr. Miller agreed that the petitioner could withdraw at any point in the application process. Although he noted that the Executive Committee would meet to set the County Board agenda for February on Tuesday the 7th so he would encourage the applicant to make a decision by Monday, February 6, 2012.

Ms. Vary moved to recommend denial of the Planned Development Commercial application, seconded by Mr. Cribben. After a brief discussion the motion was withdrawn.

Mr. Hulseberg motioned to table the issue to give the applicant additional time to consider the options, seconded by Mr. Emerson, and the motion passed unanimously.

Mr. Andersen noted that the applicant may want to contact staff to further review his plans for the property prior to the Committee's meeting on February 22, 2012.

AMENDMENT TO A SPECIAL USE PERMIT

Mr. Miller explained to the Committee that Elburn Cooperative Company has filed a petition for an Amendment to a Special Use Permit in order to add a fertilizer storage and loading facility at

its property at the northwest corner of Motel Road and Rt. 64 in Mayfield Township. The subject property is zoned A-1, Agricultural, with a Special Use to permit an agribusiness.

The required public hearing was conducted on December 8, 2011 by DeKalb County Hearing Officer Ron Klein. The petitioner explained that the proposed fertilizer storage and loading facility would replace an existing facility with one that is larger. All bulk regulations of the A-1 District would be met, and no additional traffic to and from the site would be generated. No additional parking would be needed because there would be no new employees. Discussion was held regarding whether additional landscaping material could be placed on site to help soften the utilitarian appearance of the proposed equipment and structures, and the petitioner agreed to work with staff on finalizing parking at the Building Permit stage, provided the County Board approves the Amendment. One member of the public indicated no objection to the request. The Hearing Officer has forwarded his Findings of Fact and recommends approval of the Amendment to the Special Use Permit.

Ms. Vary asked the petitioner about the height of the new fertilizer dome and leg height. Dave Kleckner, Elburn Coop, responded that the dome would be approximately 45 feet in height and the leg would be about 90 feet.

Mr. Whelan asked about the traffic into the site and the seasonal traffic loads. Mr. Kleckner responded that the traffic peaks during the Fall when fertilizer is being applied, and that a couple of weeks in the Spring there might be a small increase. Mr. Kleckner stated that the capacity to store a greater amount of fertilizer would reduce the number of shipments into the property.

Mr. Hulseberg asked about the capacity. Mr. Kleckner stated that the structure would be three times the height of the existing shed and hold four times the amount of fertilizer. Mr. Hulseberg also asked if this proposal is reviewed by any other State agencies. Mr. Kleckner explained that the Illinois Department of Agriculture would review the application and would also forward it to the Illinois Environmental Protection Agency for approval because of the proximity to floodplain. Staff also observed that the grading work would be overseen by a Site Development Permit.

Ms. Vary moved to recommend approval of the Amendment to the Special Use with the conditions suggested by the hearing officer, seconded by Mr. Emerson, and the motion passed unanimously.

SPECIAL USE PERMIT

Mr. Miller explained to the Committee that Robert and Vicki Faivre, representing the property owner, have filed a petition for approval of a Special Use Permit. The request is to allow an RV and camper storage business on portions of the property located at 16380 Somonauk Road in Pierce Township. The subject property is located on the east side of Somonauk Road, approximately 1,440 feet north of the intersection with Harter Road, and is zoned A-1, Agricultural District.

The required public hearing was held on January 5, 2012 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Special Use, explaining that an existing 66' x 318' building on the subject property is no longer used for

agriculture and has instead been used to store RVs and campers since 2009. The income from the rental of storage space helps pay the taxes on the subject property and the remaining mortgage on the building. The petitioner also explained that RVs are stored on an existing gravel parking lot during the Summer months. The parking lot is located to the east of the building and is hidden from view from Somonauk Road and surrounding properties. Discussion was held about staff's observation that the gravel parking lot is not "immediately adjacent" to the former agricultural building as required by the Zoning Ordinance, and so storage of RVs should not be permitted on that portion of the property. The petitioner responded that parking the RVs on the existing lot was preferable to parking them near the building where they would be visible from the public road. Two members of the public spoke in favor of the request and a letter of support from a neighbor was received. No one spoke in opposition. The Hearing Officer has recommended approval of the Special Use Permit with conditions.

Ms. Tobias inquired as to how many vehicles (RVs boats, etc.) would fit into the building. Mr. Faivre responded that the building fits between 80-90 pieces of equipment. He also informed the Committee that although the Hearing Officer's findings specify that he was the sole owner and operator of the business, he does receive assistance from his family members in maneuvering and storing the equipment.

Mr. Emerson observed that the farmstead was well maintained and attractive.

Mr. Hulseberg stated that he disagreed with the Hearing Officer's interpretation of "immediately adjacent" but that he felt the County Board could make an argument that the approval of the exterior parking area was unique to this property and would not create a precedent.

Ms. Tobias moved to recommend approval of the Special Use with the conditions suggested by the hearing officer, seconded by Ms. Vary, and the motion passed unanimously.

DISCUSSION ITEM –Annual Report

The Committee briefly discussed the 2011 Annual Report. Mr. Miller highlighted the staff's achievement section of the report.

Ms. Vary asked for an explanation of "bulk" variations. Mr. Miller explained that such regulations have measurements and dimensions, such as minimum setback and maximum height standards.

Mr. Andersen observed that there were three pages of violation inquiries and asked about the amount of time each violation requires. Staff noted that the estimated staff time on a single violation is approximately 65 hours.

DISCUSSION ITEM – Dog Kennel

The Committee briefly discussed the reports supplied by Animal Control and the Health Department. Staff noted that the initial research indicated that the County Board has, since the 1970s, approved 19 kennel operations. Of these, seven appeared operational and Animal Control inspected five.

The Committee thanked staff for the update.

DISCUSSION ITEM – Lawsuits related to the NextEra Wind Farm

Mr. Miller informed the Committee that all the outstanding legal actions had been withdrawn.

MONTHLY REPORT

The Committee briefly discussed the Monthly Report. Mr. Whelan noted that Country Gas was still needing to submit materials. Staff explained that the Building Permit application required approval of soil conditions and the applicant has not yet been able to provide adequate information for that approval.

PUBLIC COMMENTS

Mr. Andersen noted there were no members of the public present.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet February 22, 2012 at 7:00 p.m. in the Conference Room East.

Ms. Vary 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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