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DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Minutes  
(September 25, 2013)**

The Planning and Zoning Committee of the DeKalb County Board met on September 25, 2013 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members John Emerson, Julia Fauci, Charles Foster, Dan Cribben, Anita Jo Turner, Frank O'Barski, and Paul Stoddard. Also in attendance were County Board members Marc Johnson, Tracy Jones and Anthony Cvek, Wilma Miranda, Roger Craigmile, Ronald Budoff, and County staff members Paul Miller, Gary Hanson, Greg Maurice, and Rebecca Von Drasek.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted all members were present.

**APPROVAL OF AGENDA**

*Mr. Foster moved to amend the agenda to include a Public Comment item, seconded by Mr. Stoddard, and the motion carried with six in favor and Ms. Turner opposed.*

Ms. Turner reminded the audience that public comments would be limited to items not subject to a public hearing, noting that the Special Use request on the agenda had a public hearing in August.

*Mr. O'Barski moved to approve the agenda as amended, seconded by Mr. Foster, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Ms. Fauci moved to approve the minutes of the August 28, 2013 meeting of the Planning and Zoning Committee, seconded by Mr. Foster, and the motion carried unanimously.*

**PUBLIC COMMENT**

No comments were offered.

**SPECIAL USE PERMIT**

Mr. Miller briefed the Committee on the Special Use request from Ronald K. Budoff. Mr. Miller explained that Mr. Budoff with the authorization of property owners Kenneth and Corrie Budoff, has filed an application for a Special Use Permit for a home occupation. The proposal is to operate a firearms sale and resale business from the property located at 12855 Williams Circle in

unincorporated Sycamore Township (P.I.N.: 06-05-205-004). The subject property is located on the north side of Williams Circle, east of the intersection with Fehmarn Way, and is zoned PD-R, Planned Development - Residential.

The required public hearing was held on August 29, 2013 by DeKalb County Hearing Officer Ron Klein. Mr. Miller reported that the petitioner provided testimony and exhibits in support of the requested Special Use, explaining that the home-based business would be limited in scale, with not more than five customers coming to the house per week. Deliveries would be limited to once or twice a week. There would be no employees other than the petitioner, and no signs or exterior changes to the house or property. The business would consist of over-the-phone and internet sales of firearms, including handguns, rifles, shotguns and assault weapons, as well as limited amounts of ammunition per order. The weapons would be delivered to the subject property and then the customer would visit the property to pick up the order. Four members of the public spoke in opposition to the application, citing safety concerns related to firearms being delivered and picked-up in a residential neighborhood. No members of the public spoke in favor of the proposal.

Mr. Miller noted that the Hearing Office submitted his findings, and recommended approval of the Special Use Permit with conditions. The recommended conditions of approval include:

1. The Special Use Permit for a home occupation shall allow sales, delivery and pick-up of handguns, rifles and shotguns, but no sales, delivery or pick-up of assault weapons;
2. No more than one customer for the home occupation shall be permitted on the subject property at any given time; and
3. The Special Use Permit shall be in force for a period of two years. Continuation of the home occupation beyond two years shall only be permitted pursuant to an Amendment to the Special Use Permit approved by the DeKalb County Board. Any application for continuation of the Special Use Permit shall be filed and acted on in advance of the expiration of the two year period.

Mr. Miller explained that the Planning and Zoning Committee is asked to make a recommendation to the full County Board on the requested Special Use in the form of an ordinance. The Committee may recommend approval, approval with conditions, or denial of the request.

Mr. O'Barski thanked the applicant and noted that he was not opposed to firearms. He expressed concern over the lack of growth potential for the business, noting the application is only to allow one or two people per week to visit the business. Mr. Budoff responded that the gun sales are a source of

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secondary income and that he only intended to sell to people he knows. Mr. O'Barski confirmed that neighboring property owners would be required to disclose their knowledge of his business if they attempted to sell their homes. Mr. Budoff agreed.

Mr. Foster asserted that the regulations on firearms dealers are onerous. He expressed appreciation for Mr. Budoff's willingness to follow the rules.

Ms. Fauci confirmed that the weapons would be concealed within carrying cases when leaving the premises. Mr. Budoff agreed.

Mr. Emerson noted that no neighboring properties spoke in favor of the application and four neighbors had objected. Mr. Emerson stated he would be voting "no" on the application.

Ms. Turner recognized County Board Member, Tracy Jones. Mr. Jones reported that he had heard from numerous constituents with concerns about traffic and whom felt that a residential neighborhood was not an appropriate location for gun sales.

Mr. Stoddard asked Mr. Budoff to explain the business model. Mr. Budoff responded that he transfers the firearms to a purchaser following the necessary background checks and waiting periods.

Mr. Cribben clarified that the State and Federal governments also regulate gun sales. He informed the Committee that he would support the application with the conditions.

Ms. Turner recognized County Board Member, Anthony Cvek. Mr. Cvek asked staff how Special Uses are monitored, Mr. Miller explained that complaints from neighbors will generally inform staff if an operator is not acting in compliance with agreed conditions. Mr. Miller also highlighted that one of the proposed conditions requires Mr. Budoff to reapply for the Special Use Permit in two years.

Ms. Turner recognized County Board Member, Marc Johnson. Mr. Johnson noted his concern for the neighbors and visiting the neighborhood with children.

The Committee briefly debated the condition regarding the number of individuals allowed to visit the property at a time.

*Mr. Foster made a motion to amend the Hearing Officer's recommended conditions to allow only one vehicle to visit the property at a time rather than one individual. The motion was seconded by Mr. Cribben, and carried with four in favor and Ms. Turner, Mr. Emerson, and Ms. Fauci voting in*

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opposition.

Mr. Stoddard made a motion to recommend approval of the Special Use with conditions as amended, seconded by Mr. Foster, and the motion passed with five in favor, and Mr. Emerson and Ms. Turner opposed.

## **ZERO WASTE POLICY**

Mr. Miller explained that the Committee discussed at its August 28, 2013 meeting the proposal of County Board member Marc Johnson that the County adopt “zero waste” as a guiding principle of the DeKalb County Solid Waste Management Plan. The Committee also previously discussed the creation of a Zero Waste Task Force to consider and recommend policies, regulations, and programs associated with implementing zero waste. Mr. Miller referenced the draft Resolution for creation of the Zero Waste Task Force for review and approval by the Committee.

Mr. Foster thanked staff for moving this issue forward and suggested a balance of representation on the Task Force. Mr. Stoddard reported that the Health Board had suggested a slate of potential agencies and names for review by the County Board. Mr. Stoddard asserted that the representation was balanced and would consist of 13 members, two (2) from the County Board, three (3) being municipal elected or appointed officials, one (1) representing local businesses, two (2) being DeKalb County residents, one (1) representing the waste industry, two (2) representing educators, of which one shall represent Northern Illinois University, and two (2) from the County Health Department.

*Mr. Foster made a motion to recommend approval of the Zero Waste Policy resolution, seconded by Ms. Fauci, and the motion passed unanimously.*

## **BUDGET REVIEW**

The draft Fiscal Year (FY) 14 Planning, Zoning, and Building Department budget has been submitted for review and approval by the County Board. A copy of the line-item detail from the budget was included in the Committee Member’s packets.

Mr. Miller explained to the Committee that Department heads were instructed by County Administration to create budgets that represented no more than a 1% increase over the FY 2013 amount in commodities and services expenses. He pointed out that the draft FY 2014 budget before the Committee proposed a .09% increase in keeping with this directive. He encouraged County Board Members with questions to contact him to discuss the proposed budget. Mr. Miller concluded by observing he was unaware of any appeals concerning the Planning and Zoning Department.

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Mr. Foster noted that the draft budget represented a 14% increase over the recent years. Mr. Miller responded that he has oversight only on the commodities and services portion of the budget. The staff pay and benefits is overseen by the Finance Officer. Gary Hanson pointed out that the budget reflected actual expenses from 2011 and 2012, but budgeted expenses for 2013 and 2014. The comparison was not, therefore, valid. Mr. Miller pointed out that every year for the past several, the Planning, Zoning and Building Department has come in under budget for those line items it controls.

### **EVERGREEN VILLAGE MITIGATION PROJECT**

Mr. Miller informed the Committee that a draft Relocation Plan was received from Land Acquisitions, the consulting firm for the Mitigation Project. He highlighted that the initial review indicates that the relocation portion of the mitigation project appears to be within budget. Mr. Miller also reported that a Public Information Meeting has been scheduled for October 15, 2013 and is intended to inform residents of the relocation process. Mr. Miller noted that Requests for Proposals had been sent out regarding the appraisal, demolition, asbestos testing, and for park management. He also noted that staff would be attempting to reach a memo of understanding with the property owner in the next few weeks.

### **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet October 23, 2013 at 7:00 p.m. in the Conference Room East.

*Ms. Fauci moved to adjourn, seconded by Mr. O'Barski, and the motion carried unanimously.*

**Respectfully submitted,**

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**Anita Jo Turner**  
**Planning and Zoning Committee Chairman**

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