

Note: These minutes are not official until approved by the DeKalb County Regional Planning Commission at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.

DEKALB COUNTY REGIONAL PLANNING COMMISSION MINUTES

(March 25, 2021)

The DeKalb County Regional Planning Commission (RPC) held a virtual meeting on March 25, 2021 at 6:30 p.m., via Zoom. In attendance were Commission Members: Dan Olson, Alyssa Seguss, Russell Kula, Dan Chambers, Becky Morphey, John Sauter, Steve Faivre, and Dawn Wucki-Rossbach. Also, in attendance were: John Frieders, DeKalb County Board Chair; and, County Staff members: Derek Hiland, Jolene Willis, and Marcellus Anderson.

Roll Call – Ms. Aldis, Mr. Altmaier, Ms. May, Ms. Jergens, Mr. Robinson, Ms. Wilson, Ms. Morphey, and Ms. Swenson were not in attendance. Ms. Wucki-Rossbach sat in for Maple Park. The Commission did not have a quorum; thus, no vote was held on the agenda or past minutes.

Public Comments

None.

Overview of County Board – John Frieders (County Board Chair)

Mr. Hiland introduced John Frieders, the DeKalb County Board Chair. Mr. Frieders noted that he had recently come to the chairmanship, and that he had served on the County Board for eight year. He noted that in the past he had served on both his local school board and on the Board of the DeKalb County Farm Bureau. He noted that he was a farmer and resided in the southern part of the County. He then went on to describe how the Covid-19 crisis had created a number of challenges for the County, but that the County's finances had come through better initially expected, and that in spite of these challenges, the County Board believed that it and its constituent communities would still be able to continue moving forward.

Approval of Agenda & Minutes

Ms. Morphey joined the meeting while Mr. Frieders gave his presentation, which gave the Commission a quorum. After Mr. Frieders finished his presentation, the Commission took action on the proposed meeting agenda and the past meeting minutes.

Ms. Wucki-Rossbach moved to approve the agenda, seconded by Mr. Kula, and the motion carried unanimously.

Mr. Faivre moved to approve the minutes of the January 28, 2021 meeting, seconded by Ms. Wucki-Rossbach, and the motion carried unanimously.

Zoning 101 – Case Study Introduction

Mr. Hiland noted that at the Commission's last meeting, after reviewing the Zoning 101 outline, it had been decided that it would be helpful to breakout some of the steps so that longer more in-depth conversations could be had about them, which would allow the communities (and the County) to learn from one another. To that end, Mr. Hiland reported that he and Mr. Olson had prepared a couple of case studies to present to the Commission. He also noted that the presentations were abbreviated versions of much longer ones, but that they would be good starting points; and also noted that the meeting was being recorded so that any members who missed the meeting would have the opportunity to review the presentations at a later date.

Mr. Hiland's presentation started by describing the state enabling legislation which allows municipalities and counties to enact local governance, highlighting Dillon's Rule, which originated in Iowa and stated that communities have the authority to enact legislation by virtue of the state allowing them to do so. He then talked about "zoning", what it is, and gave a brief description of the history of zoning in America. He then moved onto "planning", highlighting the differences between it and zoning. He then talked about comprehensive plans, plan commissions, and regional plan commissions. Mr. Hiland finished by describing municipal planning and types of controls available to communities.

Mr. Olson's presentation explored zoning in Illinois in greater depth, describing the differences between permitted uses and special uses, the purpose and use of zoning maps, and gave some details on the zoning process. He then talked in greater detail on special uses, giving an overview on them and the criteria for establishing them. Mr. Olson then described an example of a special use that occurred in the City of DeKalb for the Nehring Electrical Works, giving the history behind it, the criteria used, and the conditions imposed. He then gave an overview of about variances, describing the criteria for reviewing them, and highlighting that variances are related to bulk regulations and should not be used for use variances. He talked about when using a Planning Unit Development (PUD) would be better than using multiple variances on a single project. He then described an example of a variance issued in the case of the Nehring Electrical Works project previously mentioned. Mr. Olson then explored the topic of zoning change, describing: rezoning; annexation, and PUDs. He described the criteria that may be used for these actions, and the need to consider the communities comprehensive plan. He then described an example of a rezoning done in the City of DeKalb. Mr. Olson finished by briefly talking about text amendments.

Ms. Seguss asked for more information on when to use a PUD instead of a special use. Mr. Olson responded that a special use is a particular case in a district, while a PUD is either a separate

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zoning district unto itself or an overlay district imposed over another district. He noted that special uses are required to meet the text requirements of the district in which it is set.

Mr. Hiland asked the Commission to let him know if it would like more discussions along this same vein.

Ms. Seguss noted that in the City of Genoa seems to have used PUDs far in excess of special uses in the past. Mr. Olson noted that PUDs do give a community greater flexibility and control. Ms. Seguss inquired whether there was a downside to using PUDs. Mr. Olson responded that if a community finds itself constantly having to use PUDs or having to constantly issue numerous variances, that community should give serious consideration to changing its codes. He then described a zoning text change the City of DeKalb took to allow for digital display signs.

Mr. Olson noted that the Commission may want to consider public hearings as a future discussion topic.

Ms. Seguss inquired whether all of the other communities' Unified Development Ordinances (UDOs) were very similar to the County's. Mr. Hiland responded by giving a brief history of the County's UDO, noting that it was formed in large part by using the UDOs of the local communities and that the Commission was originally formed as part of that project. Ms. Seguss noted that Genoa's UDO needed updating, highlighting a particular issue they had with a ministorage facility, and inquiring whether any of the other communities were having similar issues. She noted that they have looked at it, but that it was not in their budget to do so. Mr. Hiland noted that such updates are expensive, and while some communities do conduct regular updates, many do not. He added that this could also be another topic for the Commission to address in the future. Ms. Seguss asked that if any other communities had made amendments to their UDOs to let her know. Mr. Hiland highlighted Mr. Olson comment about changing the Code if you are finding it not working for you, and considering the possible use of overlay districts. Mr. Olson noted that in DeKalb, ministorage facilities were designated special uses, and noted that amendments can be made to the Code without having to conduct a complete overhaul of the Code.

Ms. Seguss noted her concerns that Genoa has had a number of cases of spot zoning over the years, and that there does not appear to be any cohesive plan for the City. Mr. Olson noted that every city's zoning map will have some holes in it.

Mr. Hiland asked the Commission to get back to him with what topics they would like to discuss next time. Mr. Sauter noted that he would like to have more discussion on amendments to the codes, noting that Sycamore's UDO is also getting outdated. Mr. Hiland noted that other

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Commission members were nodding in agreement and responded that he would look into it for next time.

Member Appointments and Re-Appointments Update

Mr. Hiland reminded the Commission that the terms of seven of its members would be ending on March 31st, and asked that those communities give consideration to submitting names to the County Board for appointment, or re-appointment. He added that due the election cycle and the expected administration changes in some of the communities, the appointment schedule was revised to have the recommendations for appointment occur after the elections are over and the new community boards/councils are in place. He acknowledged Mr. Sauter as replacing MR. Gregory from Sycamore, and that he expected other new members to arrive at the next meeting. Mr. Hiland asked the current Commission members to consider standing for reappointment to the Commission. He then talked more about the various term lengths.

Municipal Development Permits / Projects / Challenges / Champions

Mr. Sauter (Sycamore) reported that six single-family residence permits had been issued by the end of February, and that a fair stream of applications were coming in. He noted that, now that the weather was starting to break, the St. Alban's Green project would likely break ground in April. He noted that developer was looking to install a one-story building, containing twenty-eight units to replace the former two-story building that had been destroyed by fire in 2019. Mr. Sauter reported that they were working on four Northwestern Medicine remodel projects, which were making progress. He noted that there were also a couple of new restaurants opening in town, and that interest had been shown in some of the vacant spots.

Ms. Morphey (Somonauk) reported that things were quiet in Somonauk.

Mr. Chambers (Kirkland) reported that Resource Bank was still moving forward with their new building, and that a foundation was in place. He also noted that they still had a couple of vacant lots available.

Mr. Kula (Hinckley) reported that not much was happening in Hinckley.

Ms. Seguss (Genoa) reported that fourteen new home permits have been issued. She noted that they had started dealing with the food truck permitting, talked about the challenges they were having with it. She reported that they have recently adopted construction standards, and that they were wrapping up their budget process, noting that they had \$2.5 million in road projects.

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She finished by reporting that Genoa was working with Kingston on their forty-year old wastewater treatment agreement.

Mr. Olson (DeKalb) reported that the Facebook project was moving along well, and that the ComEd data center next to it was under construction. He noted that Wehrli Custom Fabrication, which a high-performance diesel truck upgrade company, was expanding and will be building a new 100,000 square foot facility on Harvestore Drive. He reported that a cannabis dispensary had been approved over a year ago for the Junction Shopping Center on West Lincoln Highway, but that it had been delayed getting its state licensing due to Covid. They had a year to get their license, so they are coming back to get the time extended to 2022. He noted that they were still paying rent on the space and were still confident that they will get the license. Mr. Olson reported that DeKalb had hired a new Chief of Police, David Byrd, and that he would be starting on May 1st.

Mr. Faivre (DeKalb County) reported that the County had adopted a new ordinance that would allow the keeping of chickens on residential lots of less than two acres that are within 1,000 feet of a municipality that allows for the keeping of chickens. He also noted that the County Board had re-approved a special use for one of the solar gardens participating in the State Community Solar Program. He then asked Mr. Hiland just how many were in the County. Mr. Hiland and Mr. Anderson clarified that seven sites were approved to be part of the State program, five were currently under construction, two of which would likely be coming online in the near future, and one which would be started construction in late spring. Mr. Faivre also reported that there were lots of rumors that some entities were looking at developing industrial scale solar sites, several thousand-acre installations.

Mr. Hiland noted that he had heard that the state was contemplating new regulations for food trucks, which would remove a lot of the regulation power from local communities. He said that once he found the information, he would forward it on to the members.

Mr. Faivre reported that he had heard that the State was looking at providing parameters for windfarms, and asked whether such measures would change local ordinances. Mr. Hiland responded that if the State passed new legislation on the matter, it would override any local ordinances that conflicted with it. He noted that he did not have the material in front of him, but that as far as he was aware it was still at the committee level. Mr. Hiland added that he would reach out to State Representative Jeff Keicher for more information.

Ms. Seguss requested that if anyone had any more information on food trucks, to please let her know. Mr. Olson responded that they also had regulations on food trucks and that he would

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forward them to her. Mr. Hiland noted that he had found the food truck bill that they were talking about, noting that it was House Bill 3509, the Food Truck Freedom Act, and that it was being looked at the Labor and Commerce Committee. He then read the brief of the bill language, and added that he would be sending it out to the members.

Mr. Hiland noted that the Northwestern Medicine Hospital -Kishwaukee Campus was currently expanding their emergency room, and that Syngenta Seeds was currently under plan review for its new facility outside of Malta.

Next Meeting Date

Mr. Hiland noted that the next meeting would be on May 27th, which was right before the Memorial Day holiday, and inquired whether the Commission members anticipated having any issue meeting on that date. The Commission voiced no issues with that date.

Adjournment

Mr. Kula moved to adjourn the meeting, seconded by Ms. Seguss, and the motion carried unanimously.

Respectfully submitted,

Dan Olson
Chair, DeKalb County Regional Planning Commission

Moa: moa

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