

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
November 30, 2005**

The Planning and Zoning Committee of the DeKalb County Board met on November 30, 2005 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Roger Steimel, Marlene Allen, Patricia Vary, Vince Faivre, Eileen Dubin, Howard Lyle and Steve Slack, and staff members Paul Miller, Toby Petrie and Derek Hiland. Audience members included Chris Nelson from Comcast, Calvin Stinson, and County Board member Jeff Whelan.

Mr. Steimel, Committee Chairman, called the meeting to order. He noted that all Committee members were present.

APPROVAL OF MINUTES

Mr. Lyle moved to approve the minutes of the October 26, 2005 meeting of the Planning and Zoning Committee with one correction, seconded by Ms. Vary, and the motion carried unanimously.

APPROVAL OF AGENDA

Mrs. Dubin moved to approve the agenda, seconded by Mr. Faivre, and the motion carried unanimously.

PUBLIC HEARING: CABLE FRANCHISE RENEWAL -- Request of Comcast for a renewal of cable franchises within unincorporated DeKalb County.

Mr. Steimel opened the public hearing on the cable franchise renewal request from Comcast. Mr. Miller explained that this request is for continuation of a cable franchise that has been in existence for 15 years. The original franchise covered only Forestview Subdivision, at Motel and Freed Roads, in unincorporated Sycamore Township. The franchise was granted to Warner Cable Communications on August 15, 1990, via Ordinance 90-16, and was only granted for a period of 15 years. In 1997, the County Board passed an Ordinance that expanded the franchise to cover: portions of unincorporated Sycamore, unincorporated Mayfield Township, unincorporated Cortland Township and portions of unincorporated DeKalb Township. The franchise area has remained unchanged since the 1997 Ordinance passed. The request from Comcast is to extend its franchise for another 15-year period.

The County has been corresponding with Comcast since March of this year regarding the need for renewal of the franchise. Section III of the original Ordinance granting the franchise allows that the franchise may be renewed for such term (period of years) as the County shall determine, following a public hearing in front of the Planning and Zoning Committee. Comcast forwarded a draft of the new Franchise Agreement, which has been reviewed and approved by the State's Attorney's office, the County Administrator, the Highway Department and the Planning, Zoning and Building Department.

Mr. Miller went on to state that a map showing the geographic areas where Comcast cable service is

provided in unincorporated DeKalb County will be included with the ordinance approving the franchise renewal for the full County Board's approval.

Mr. Faivre inquired from the Comcast representative if the company would be offering bundle packages for cable subscribers? Chris Nelson, representing Comcast, responded by stating that Comcast will be offering "a la carte" cable subscriptions. He also clarified that, even though a given property might be within the franchise agreement area, no property owner is obligated to choose Comcast as their cable provider. Mr. Miller added that the cable franchises are not exclusive, and more than one provider can cover the same area.

Mr. Whelan inquired whether or not Comcast is urging people to subscribe to their digital services as opposed to their analog services. Mr. Nelson explained that Comcast, like all the other major cable providers, is gradually phasing out all analog channels. Analog will eventually be used solely for emergency services. In fact, Comcast is slowly urging subscribers to get digital services, however, Comcast will be providing cable box tops that will convert digital to analog if someone does not have the newer digital televisions.

Ms. Vary asked who oversees the performance of Comcast as a cable service provider? Mr. Miller explained that the County oversees Comcast's performance. The County does this by monitoring quarterly payments for the franchise and by monitoring complaints or concerns received regarding the franchise. Any such complaints are passed on to the company. If problems persist, the County can revoke the franchise.

Ms. Vary then asked Mr. Nelson what would happen if Comcast pulled out of the unincorporated areas of the County? Mr. Nelson said that the largest asset Comcast owns is their infrastructure and if in fact it (Comcast) wanted out of the area then most definitely someone else would take over the cable lines. Because the lines are proprietary to Comcast, the company would stand to lose money if it left the cable lines underground.

Mrs. Dubin asked whether or not the fees collected were adequate enough to cover the franchise agreement? Mr. Miller explained that the fees collected are at a rate set by State law. He noted that the original franchise paid 3% of gross income as a fee, and the new franchise agreement will include a fee of 5%.

Following further discussion, Ms. Vary moved to approve the Cable Franchise Agreement, seconded by Mr. Faivre, and the motion carried unanimously.

ZONING TEXT AMENDMENT -- Request of DeKalb County for an amendment to the text of the Zoning Ordinance related to the regulations for placement of accessory buildings, Petition DC-05-16 Mr. Miller explained that the definition of rear yard was changed as part of the comprehensive revisions to the Zoning Ordinance in 2005, but that the regulations for accessory building placement remained the same as in the Year 2000 Ordinance. This had the unforeseen consequence of

relegating accessory buildings to the rear yard only, which could be the back 50 feet of a 300-foot lot, which severely restricts use of the area behind the house in some cases. In order to amend the Zoning Ordinance to retain the intent of the regulations for accessory structures, to the effect that they may be allowed behind the house under all circumstances, or to the side of the house provided there is good reason for such placement, staff proposed, and the Committee endorsed, the idea of a revision to Article 5. The new language is as followed:

5.06 Accessory Buildings and Structures: No accessory building or structure shall be constructed or used prior to the primary building or use. Accessory buildings or structures shall be permitted on any portion of a lot that is behind the primary building and must conform to all provisions of this Ordinance. Detached garages, recreational vehicle pads and typical residential accessory structures may be placed on any other portion of the lot that is not closer to a street than the closest point of the primary building to the street at the Zoning Administrator's discretion.

This amendment eliminates any conflict with the previous code and allows for an accessory building to be placed behind the house. Mr. Miller stated that the required public hearing was conducted by Ron Klein on November 3, 2005. No members of the public attended. The Hearing Officer has recommended approval of the Amendment as proposed.

Mr. Steimel reminded Committee members that this issue had been reviewed by the Committee prior to it authorizing staff to seek the Text Amendment.

Following further discussion, Mr. Lyle moved to approve the Zoning Text Amendment, seconded by Mrs. Dubin, and the motion carried unanimously.

BUILDING CODE AMENDMENT -- Request of Planning, Zoning and Building Department Staff for an amendment to Article 14 of the DeKalb County Code to adopt the updated Illinois Plumbing Code, Petition DC-05-18.

Mr. Miller stated that this proposed amendment will bring the County Code into compliance with State law by adopting the current within State Plumbing Codes. He explained that State law requires the County to abide by the State Plumbing Code, but that Code is updated every few years. Rather than amend the County Code each time, staff has drafted language that would make it clear that the County adopts whichever is the latest Plumbing Code required by the State. The language of the amendment has been reviewed and approved by the State's Attorney's office.

Mr. Petrie concurred with Mr. Miller's statement, and added that if the draft language is adopted, it will simplify and streamline the County Code and the administration of the plumbing regulations.

Mr. Steimel asked whether or not there was a requirement for a gas/oil separator in floor drains, and Mr. Petrie stated that the new code exempts residential garages unless such contains five or more bays.

Mrs. Allen moved to approve the Building Code Amendment, seconded by Ms. Vary, and the motion carried unanimously.

ADJOURNMENT - *Mr. Lyle moved to adjourn, seconded by Mr. Faivre, and the motion carried unanimously.*

Respectfully submitted,

Roger Steimel, Chairman
Planning and Regulations Committee Chairman

DMH:dmh

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