

**PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
January 23, 2008**

The Planning and Zoning Committee of the DeKalb County Board met on January 23, 2008 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, Anita Turner, Vince Faivre, Pat Vary, and Eileen Dubin, and staff members Paul Miller and Rebecca Von Drasek. Also in attendance were Richard Schmack, Steve Navalany (Underdog Trucking), Russ Farnum (City of DeKalb), Kathy Koehling and Donovan Flink (Flink Bros.).

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted that all members from the Committee were present except Michael Haines.

**APPROVAL OF MINUTES**

*Ms. Allen moved to approve the minutes of the November 28, 2007 meeting of the Planning and Zoning Committee, seconded by Ms. Vary, and the motion carried unanimously.*

**APPROVAL OF AGENDA**

*Ms. Turner moved to approve the agenda, which was seconded by Ms. Dubin, and the motion carried unanimously.*

**SPECIAL USE PERMIT - Underdog Trucking**

Mr. Miller briefed the committee on Underdog Trucking's petition for a Special Use Permit as an agribusiness in order to allow for the continued operation of a trucking business on property located at 17936 Jericho Road in Squaw Grove Township. Staff briefly defined an agribusiness as a business that generates at least 50% of its business from agricultural clients. The subject property consists of two lots totaling approximately ten acres, located at the southwest corner of East County Line Road and Jericho Road. The property is zoned A-1, Agricultural District.

The required public hearing was conducted on November 29, 2007 by DeKalb County Hearing Officer Kevin Buick. The Hearing Officer submitted his findings, and recommends approval of the Special Use Permit with conditions. Mr. Miller explained that the Hearing Officer's conditions required that the Special Use be limited to the Eastern portion of the property; that screening and landscaping of the site be approved by County staff; and that the operation not increase to more than nine employees or trucks.

Ms. Vary asked if the petitioner was required to pave the parking areas indicated on the site plan or if they could request a waiver. She expressed a preference for not paving in the agricultural district whenever possible due to the negative effects pavement has on stormwater management. Mr. Miller stated that the applicant could request a waiver from the paving requirements as an agribusiness and that in similar cases that waiver has been approved.

Ms. Dubin asked what happens in the future if the number of agricultural clients declines? Staff pointed out that this was a possibility and one which cannot realistically be tracked by staff. However, with the

limit to nine trucks, the applicant would be required to request a review of the Special Use if they intended to grow significantly beyond their current operations.

Mr. Steimel opined that this past harvest season finding grain trucks had been difficult and that he foresaw in the immediate future an increase in the need rather than a decrease.

Ms. Allen asked if the Special Use expired with the sale of the property. Mr. Miller explained that the Special Use only expires if a stipulation to that effect is placed in the approved ordinance.

Ms. Allen wondered if the limitation to nine trucks allows enough flexibility for growth by the company. Mr. Schmack explained that the company currently has seven vehicles, so nine was intended to provide for growth.

*Ms. Allen moved to recommend approval of the Special Use Permit with the conditions set forth by the Hearing Officer, seconded by Mr. Faivre, and the motion carried unanimously.*

Mr. Steimel noted that the County Board will make a final decision on the application at the February 20, 2008 meeting at 7:30 pm in the Gathertorium.

#### **SPECIAL USE PERMIT - Flink Bros.**

Mr. Miller summarized the Flink petition for a Special Use Permit to allow a home occupation business, in the form of lawn mower repair and maintenance, on property located at 26738 Brickville Road in Sycamore Township. The 40-acre parcel is located approximately 1,330 feet north of the intersection of Motel Road and Brickville Road. The property is zoned A-1, Agricultural District.

The required public hearing was conducted on December 20, 2007 by DeKalb County Hearing Officer Ron Klein. The Hearing Officer submitted his findings and recommends approval of the Special Use Permit with conditions, including that the Special Use Permit terminate on March 1, 2010 or when the current owner sells the property, whichever comes first. Other conditions in the Hearing Officer's finding recommended that pick-up and deliveries to and from the site by customers should be prohibited, that the use should be restricted to the specific business hours suggested by the petitioner, and that all equipment storage should be within the existing storage buildings.

Ms. Vary noted that the packet also included a petition from surrounding property owners on Sunflower Drive, and in the interest of full disclosure stated that her doctor resided on this street and had signed the petition.

Mr. Steimel asked about the business's proximity to the St. John's Lutheran Church, staff noted that it was across the street.

Mr. Faivre thought that there were too many restrictions that limited the business' potential. He perceived the Hearing Officer's recommendations as overly burdensome and disagreed with the expiration of the Special Use in two years. Mr. Faivre argued that the deliveries would not generate significant traffic in comparison to the church and he felt that an employee to the business would offer an opportunity to train an individual in an important skill. Mr. Miller explained that the Hearing

Officer's findings were formed during the public hearing attended by members of the public who objected to the proposal, and therefore the Hearing Officer felt it appropriate to include the tow-year expiration as a compromise. The exclusion regarding an employee who is not a member of the family residing on the premises is a restriction of the Zoning Ordinance for home occupations, and is intended to assure that residences and farm houses do not become business uses.

Mr. Steimel asked what the Special Use application costs the applicant? Staff estimated the cost between \$500 - \$1,000, generally being closer to the latter than the former.

Ms. Allen stated that she objected to the idea that the applicant might be granted a Special Use Permit but have to reapply two years later. She suggested that if there were complaints related to the business, the County could then reevaluate the Special Use. Mr. Miller noted that the County regulations already allow the County to reconsider a Special Use Permit in the event that it appears to have become a nuisance and detriment to the surrounding properties.

Ms. Vary stated that she had understood the application's request as only an interim use as the property has been for sale. Ms. Koehling stated that two previous sales have fallen through.

Mr. Steimel asserted that the service was necessary and suggested extending the two years to five years.

*Following further discussion, Mr. Faivre made a motion to recommend approval of the Special Use Permit, eliminating the suggested two-year limit but retaining the expiration of the Special Use with the sale of the property, and removing the restriction on deliveries and pick-ups by customers. Ms. Dubin seconded the motion and the motion carried unanimously.*

Mr. Steimel noted that this item will also be heard by the County Board at its February 20, 2008 meeting at 7:30 pm in the Gathertorium.

## **INTERGOVERNMENTAL AGREEMENT**

Mr. Miller summarized the draft intergovernmental agreement before the Committee by explaining that the City of DeKalb owns and operates a City well on property located on the east side of Nelson Road, approximately 970 feet north of State Rte. 38, in DeKalb Township. The property is zoned A-1, Agricultural District. Because the 0.2-acre parcel is a City facility, DeKalb has proposed an Intergovernmental Agreement to transfer zoning and building authority from the County to the City. Staff explained that this agreement clarifies the governance over the property. Mr. Miller also noted that Mr. Russ Farnum was present from the City of DeKalb.

Mr. Faivre asked if a school district could make a similar request, staff explained that only governmental units with zoning and building authority could make a request to exchange zoning and building authority.

Mr. Miller stated that another example similar to this case was when the City of Sandwich requested this type of authority over Our Savior Lutheran Church, located in unincorporated DeKalb County on Pratt Road.

*Following brief discussion, Ms. Vary moved to recommend approval of the Intergovernmental Agreement, seconded by Ms. Dubin, and the motion carried unanimously.*

## **YEAR-END REPORT**

Mr. Miller submitted for the Committee's review the Annual Report of the Planning, Zoning and Building Department for FY 07. Staff noted that depressed housing market conditions were apparent in the report. However, Mr. Miller highlighted that the large drop in construction value reported in Attachment "B" between fiscal years 2005 and 2007 was due to the hospital's inclusion in 2005, giving a large spike to revenues that year. Mr. Miller also noted that the violations continue to be abated successfully. Staff emphasized that although the market is in a slump, the Planning, Zoning and Building Department has kept busy with various interesting projects like the Stormwater Management Committee, the Regional Planning Commission, and the ongoing Department duties. Mr. Miller opined that the Department continues to meet its mandate in providing services to the residents of unincorporated DeKalb County.

Ms. Vary agreed with Mr. Miller's assessment and noted that fewer individuals appear to qualify for the exceptions to the 40-acre rule.

Mr. Faivre stated that he has also noticed a steep decline in the number of questions regarding the 40-acre rule.

Mr. Miller noted that DeKalb County's success has resulted in many surrounding counties asking for a presentation on the implementation of the County's policy toward growth and development. He noted that although many of these counties have similar policies they often allow exceptions, lessening the intended result. He stated that the County Board's consistent commitment to its land use policies is a model for other jurisdictions.

**ADJOURNMENT** -- *Ms. Turner moved to adjourn, seconded by Ms. Allen, and the motion carried unanimously.*

**Respectfully submitted,**

**Roger Steimel**  
**Planning and Zoning Committee Chairman**

RGV:rgv  
P:\Zoning\P&ZCommittee\Minutes\2008 Minutes\P&ZJan08.wpd