

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

The Planning and Zoning Committee of the DeKalb County Board met on July 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, Eileen Dubin, Michael Haines, Anita Turner, and Pat Vary, and staff members Paul Miller and Rebecca Von Drasek. Also in attendance were Aaron Ruder, Erik Calmeyer, Alan Brauer and Chuck Hanlon (Land Vision), Roger Brown (Inland Real Estate Development), Ken Anderson, John Hulseberg, John Willis (Christopher Burke Engineering), Kenneth Shepro, and Richard Schmack.

Mr. Steimel, Planning and Zoning Committee Chairman, called the meeting to order, and noted that Committee member Vince Faivre was absent.

APPROVAL OF MINUTES

Mr. Steimel asked if Mike Hey of Waste Management had responded to staff regarding questions about the DeKalb County Landfill. Mr. Miller informed the Committee that Mr. Hey had responded that the demolition “mulch” material is not treated as waste but rather as a recycled material and therefore was not included in the waste tonnage calculations. Mr. Hey also indicated that ash borer traps were not yet installed but that he would contact staff when they were in place. Mr. Miller added that, in response to another question from the Committee, Christel Springmire of the DeKalb County Health Department indicated that she is still awaiting a response from the Kane County representatives on the recycling program for multi-family dwellings.

Ms. Vary moved to approve the minutes of the May 28, 2008 meeting of the Planning and Zoning Committee, seconded by Ms. Allen, and the motion carried unanimously.

APPROVAL OF AGENDA

Mr. Miller noted that neither the applicant nor the attorney for item five on the agenda, the Special Use Permit for Daring Landscaping, were present and that the agenda should be reordered.

Ms. Dubin moved to approve the agenda as reordered, seconded by Mr. Haines, and the motion carried unanimously.

USE VARIATION

Mr. Miller briefed the Committee on the petition by the Hackett Trusts for a Use Variation for the 10.2 acres of vacant land located on the north side of Whipple Road, approximately 1,700 feet east of the intersection of Whipple and Brickville Roads, in Sycamore Township. He explained that the request was to allow the construction of one single-family residence on a parcel that is less than 40 acres in size. A public hearing on the requested Use Variance was held by DeKalb County Hearing Officer Kevin Buick on June 19, 2008. Mr. Miller explained that the applicant argued that a house was the best use of the property and would meet the standards for a Use Variation. Staff recommended denial on the grounds that the application did not meet the requirements for a Use

Variation, and added that approval would set a new precedent for Use Variations beyond the original intent of the County Board and the Use Variation's standards. Mr. Miller concluded by reporting that the Hearing Officer had submitted his Findings and Recommendation and had recommended denial of the request.

Mr. Steimel asked if ComEd owned the land separating the larger farm field from the subject parcels, because he noted that when he drove past the site that the area appeared to be in row crop uninterrupted along Whipple Road. Mr. Miller responded that the property separating the subject parcels from the rest of the farm was owned by ComEd, and it was previously owned by a railroad.

Ms. Vary stated that she agreed with the Hearing Officer, noting that although some of the proposed beneficiaries of a sale were charities, the purpose of allowing a residence appeared to be an attempt to make additional funds from the sale of the property, which was restricted in Section 10.01.C of the Zoning Ordinance.

Mr. Haines cited the importance of the 40-acre rule in DeKalb County and stated that he would not want to change the precedent for Use Variations as it would weaken that rule.

Mr. Haines moved to deny the requested Use Variation, seconded by Ms. Vary, and the motion carried unanimously.

Mr. Steimel added that he also agreed with the Hearing Officer and asked for clarification if the County Board would need a simple majority or 3/4 majority to overturn the decision. Mr. Schmack (representative for the Hackett Trust) stated that the super-majority was necessary, and staff agreed. Mr. Steimel noted that the issue would be on the agenda before the County Board August 20, 2008 at 7:30 pm in the Gathertorium of the DeKalb County Legislative Center.

CONCEPT PLAN REVIEW

Mr. Steimel acknowledged receipt of an additional Staff Memo dated July 17, 2008 to the Planning and Zoning Committee related to a Concept Plan submitted by Inland Real Estate, and confirmed that the applicant had also received a copy of the memo. Chuck Hanlon, of Land Vision, acknowledge receipt of the memo.

Mr. Miller then briefed the Committee on the subdivision review and approval process. The issue before the Committee was review of a Concept Plan submitted by the property owner, Inland Real Estate Development, for a project to be named Plank Road Estates in Sycamore Township. The project would be a planned development consisting of approximately 325 single-family residential lots on 201 acres. The bulk of the subject property is located on the north side of Plank Road, east of Moose Range Road, in Sycamore Township, and is currently zoned A-1, Agricultural District. The property surrounds the Divine Oaks Subdivision, is west of Shearon's Wooded Acres and Hickory Estates subdivisions, and abuts the City of Sycamore across Plank Road. Mr. Miller explained that Concept Plan review is an informal presentation by the applicants on the basics of the proposed subdivision. The Committee is asked to provide non-binding feedback to the applicant in advance of formal Preliminary Plans being prepared, and is not asked to take any formal action on the project.

Following the Concept Plan review, the next step would be a Preliminary Plan review which would be a more detailed outline of the project including information such as soils, drainage, topographic information, lot layouts, etc. Mr. Miller then introduced Chuck Hanlon from Land Vision.

Mr. Hanlon began his presentation by referencing the sketch plan of Plank Road Estates dated (July 10, 2008) and a regional plan showing the proposed development in context with the surrounding approved subdivisions. Mr. Hanlon highlighted features of the development including the private sewer treatment facility and private water distribution system, open space and park areas, the alignment of roads with the neighboring developments and major collector roads, and the general areas of residential lots of various sizes. He asserted that the project was in keeping with the DeKalb County Comprehensive Plan, given that the subject property is identified for Mixed Residential use on the Unified Future Land Use Map of the DeKalb County Unified Comprehensive Plan. Mr. Hanlon then responded to staff's July 17, 2008 memo by asserting that a stipulation would require the Homeowners Association to contract a licensed operator to maintain the water and sewer facilities. He addressed the proposed realignment of Plank Road and noted that past concept drawings had included the alignments that staff requests, but that the Concept Plan did not show the realignment because there did not appear to be a consensus on the part of decision-makers that the realignment should occur. Mr. Hanlon also questioned the wisdom of a realignment of the Moose Range/Plank Road intersection, but added that when the project was before the City of Sycamore in 2007 these road configurations were more accord with staff's comments. He explained that since the property surrounds Devine Oaks, there would be discussion of addressing drainage concerns for that subdivision, and asserted that the Plank Road Estates project would not be a deterrent and may even be able to improve drainage in the area. He offered that the proposed sanitary sewer system could be built to accommodate Devine Oaks. The current plan calls for the largest lots in Plank Estates to wrap the Devine Oaks subdivision in an effort to minimize the impact of the development. Mr. Hanlon then reviewed the remaining portions of the sketch plan, including the intentional avoidance of a curb cut onto Whipple and the green space buffer along the north boundary, where the well would be located. He also noted the storm sewer would be included with curbs and gutters, and that street lighting and a trail system would also be included in more detail versions of the plans.

Ms. Dubin asked Mr. Hanlon if they could go back to Sycamore with the proposal. She also noted that the housing market was down and was curious as to when the project would start. Mr. Hanlon responded that after getting through the approval process the developer would evaluate the market conditions to decide when construction should occur. He also briefly explained that the project cannot be resubmitted to the City of Sycamore until August 22, 2008, one year after the original rejection of the annexation request.

Mr. Steimel asked why the City of Sycamore had rejected the plan. Mr. Hanlon stated that the political environment at that time in the City was anti-growth.

Ms. Allen asked if the sewer and water systems would always stand alone or if they could be tied into the City of Sycamore in the future. Mr. Hanlon offered that through a governance model created by the developer, fees would be collected to maintain the facilities. Mr. Willis, CB Engineering, also offered that there was no technical reason why the City could not take over the facilities.

Mr. Haines stated that the County has not been in the business of accommodating these types of development, and has been pushing growth to the municipalities. He asserted that the project runs counter to everything the County has been working toward with respect to growth and development. He stated that he does not support the notion of the County entering into any discussions on this project.

Ms. Turner asked where the ComEd property was located. Mr. Hanlon noted it followed northeastern edge of the property.

Mr. Steimel asked what type of discharge system was proposed with the sanitary station. Mr. Willis briefed the Committee on sanitation methods and stated that a drip irrigation system was being considered. Ms. Vary noted that the land application method in use near Cortland takes up a large area. Mr. Willis noted that the IEPA has specific requirements and that the development would be compliance with the State and County regulations.

Mr. Miller interjected that this project would be a substantial deviation from the County and municipal planning efforts. He rhetorically asked the Committee to consider, "Should we be doing this?", and noted that a similar project on the same project was rejected 12 years ago by the County. The County prevailed in the ensuing lawsuit. He added that Sycamore's rejection of the project in 2007 was not "no, never" but rather "no, not yet." The City might well be receptive to the project should it return to Sycamore. He also stated that the key question was who has the right to decide when a community should grow, the community or the developer. Mr. Miller added that the east and west ends of the needed rights-of-way for a realignment of the Moose Range Road curve has already been acquired, and that the rearrangement of the Moose Range/Plank Road intersection was also presumed with the realignment. Mr. Miller stated the project is not in compliance with the County's Unified Comprehensive Plan, which describes Mixed Residential use as taking place on properties that have been annexed to a municipality.

Ms. Vary noted that the County had worked hard to have a Unified Plan that reflected the desires of both the County and the municipalities. She noted that even though she did not represent the Sycamore area she had often received the comment from citizens that Sycamore is growing too fast. Ms. Vary felt the project should go back to Sycamore for approval.

Mr. Steimel asked how many residential projects had been approved by the County since he became a member of the County Board. Mr. Miller indicated that no new, stand-alone residential subdivisions had been approved in that time. Mr. Steimel noted that the Heron Creek project had initially come to the County for approval but was directed to Sycamore for annexation. He added that he also objected to County involvement with this project, although he meant no disrespect to the plan itself.

Ms. Turner noted that she did represent the Sycamore District and had also heard the sentiment that Sycamore is growing too fast. She mentioned that there are numerous foreclosures in the area and that the market is not demanding more housing. She agreed with other Committee Members that the project was not right for the County, and the developer should go back to the City of Sycamore.

Ms. Dubin echoed the opinion that the timing was bad. Mr. Hanlon stressed that the project was not haphazard in its approach and that the project would be completed in accordance with market forces.

He argued that there were differences in the interpretation of the Comprehensive Plan between staff and the development team. He also mentioned that similar projects had been constructed in Kane County, such as Mill Creek, and would be willing to tour one of these developments with the Committee Members for their review.

Mr. Shepro, attorney for Inland Real Estate, asked how long since the County had considered a development of this kind. The consensus was 12 years. He followed up his question asking if the County discourages growth, to which Mr. Miller responded "no." He explained that the County and municipalities recognize one another as partners in the growth of the County, and agree that growth should occur through annexation. Mr. Shepro asked if DeKalb was more similar to DuPage or Kane County in its growth patterns, stating that Kane County intended to try to discourage growth by municipalities located in the western third of that County, while DuPage County takes that position that municipalities may grow as much as they wish. Mr. Miller responded that between those two possibilities DeKalb County's method would be comparable to the DuPage approach, but that the County regularly meets with municipal representatives to discuss the extent and implications of their growth, such that growth is not entirely unfettered. Mr. Miller noted he and Phil Bus, Kane County Development Director, respectfully disagree on the wisdom of the County approving subdivisions in the unincorporated portions of counties as a means of showing municipalities how development should be done. He noted that developments in unincorporated areas add to sprawl by encouraging the development of land between municipal boundaries and the new county subdivision. He cited Mill Creek as an example, noting that after it developed, all of the land between that subdivision and St. Charles subsequently filled in with development. Mr. Miller also noted that when many of the municipalities in DeKalb County were creating their Comprehensive Plans they included in their future land use plans substantial areas of agriculture, rather than showing growth out to the limits of their planning jurisdiction. Following the creation of the municipal comprehensive plans, all of the plans were then combined to create the Unified Future Land Use Plan. Mr. Miller then responded to Mr. Hanlon's earlier comments about the interpretation of "mixed-residential" and cited the definition from page 42 of the DeKalb County Unified Comprehensive Plan which states development "should occur through annexation to the adjacent municipality." Mr. Miller asserted that this was unambiguous.

Ms. Vary briefly mentioned her involvement with the development of the Rice property in DuPage County and the requirement that green space separate the Danada Development and Interstate 88. Mr. Willis added that the green space was purchased by the Forest Preserve to protect that green space and that it was not privately owned.

Mr. Haines noted that the review of such developments required contracting out these types of projects for the smaller municipalities. He also noted that the partnership between the County and the communities was done in good faith and the County should not undermine that partnership, but should work as a team.

Mr. Shepro thanked the Committee for their fair and interesting discussion of the issue.

Ms. Allen expressed that she felt the “not at this time” response was a poor excuse, but agreed that the project was not right for the County.

Mr. Miller offered to bring the issue to the attention of the Regional Planning Commission to inform members that there are consequences when a Community says “no” to development in areas they planned to develop.

Mr. Hanlon noted that the City of Sycamore adopted a change to their Comprehensive Plan on Monday, July 21, 2008, but that the subject property is still indicated as Mixed-Residential. He also thanked the Committee for their time and expressed that he looked forward to working with them.

Mr. Anderson asked when and if the issue were brought to the County Board, would approval also require a super-majority since it was rejected by Sycamore and is within their mile-and-a-half boundary. Mr. Miller responded that if Sycamore objects to the necessary rezoning, a super-majority would be required for approval by the County Board. He also opined that if the County Board did approve this project, he would feel obligated to point out to the Regional Planning Commission members that the County had significantly shifted its position on growth and development and developers could now approach the County for approval if they did not like the response of a municipality.

Mr. Steimel asked if the economic projections for the project had been completed. Mr. Hanlon stated that they had not. Mr. Miller indicated that such projections should also account for the likely costs associated with providing public services to the new residents of the subdivision. He also reminded the Committee that the County does not have impact fee authority as the cities do.

Mr. Steimel thanked the presenters and the Committee for the discussion.

SPECIAL USE PERMIT

Staff noted that no representatives for Daring Landscaping were present.

Ms. Vary moved to table the issue until the August 27, 2008 Planning and Zoning Meeting, seconded by Ms. Turner, and the motion carried unanimously.

ADJOURNMENT

Mr. Steimel offered the Committee's condolences on the passing of the City of DeKalb's mayor, Frank Van Buer, and added that the thoughts and prayers of the Committee were with the Van Buer family.

Ms. Vary moved to adjourn, seconded by Ms. Turner, and the motion carried unanimously.

The next meeting of the Planning and Zoning Committee is scheduled for August 27, 2008 at 7:00pm in the Conference Room East.

Respectfully submitted,

Roger Steimel
Planning and Zoning Committee Chairman

RGV:rgv

P:\Zoning\P&ZCommittee\Minutes\2008 Minutes\P&ZJuly08.wpd