

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
January 28, 2009**

The Planning and Zoning Committee of the DeKalb County Board met on January 28, 2009 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, Larry Anderson, Ruth Anne Tobias, John Hulseberg, Marlene Allen, Michael Haines, Pat Vary and Stephen Walt, and staff members Paul Miller and Rebecca Von Drasek. Also in attendance was Greg Millburg and Elena Grimm.

Mr. Andersen, Planning and Zoning Committee Chairman, called the meeting to order, and noted that all Committee members were present.

APPROVAL OF AGENDA

Ms. Vary moved to approve the agenda, seconded by Mr. Hulseberg, and the motion carried unanimously.

APPROVAL OF MINUTES

Mr. Haines moved to approve the minutes of the November 24 , 2008 meeting of the Planning and Zoning Committee, seconded by Ms. Allen, and the motion carried unanimously.

SPECIAL USE PERMIT

Mr. Andersen indicated that the request concerned a home business for property owned by Mr. and Mrs. Bradt on Forestview Drive in Mayfield Township. He noted that Committee members had the application, hearing officer's report and recommendation, and the staff report. Mr. Andersen called for a motion on the requested Special Use Permit.

Mr. Haines moved to approve the Special Use Permit for Ronald and Laura Bradt to allow a home occupation on property located at 1841 West Forestview Drive in Mayfield Township, seconded by Ms. Vary.

Ms. Vary stated that the application appeared very straight forward, and emphasized that she did not think this use would be detrimental. However, she noted that the operations had been on-going for many years prior to the application for the Special Use Permit. Ms. Vary expressed a desire to find a way for staff to inform property owners prior to commencement of operation of a business that requires a Special Use Permit. Mr. Miller responded that he could try working with County Clerk Sharon Holmes to see if there was a way to alert property owners when they seek business licenses.

Mr. Haines agreed that the application was straight forward and noted that there were no neighbor objections included within the Hearing Officer's findings.

Ms. Tobias asked that staff provide a summary of the petition. Mr. Miller briefed the Committee on the application to allow a home occupation business on property located at 1841 West Forestview Drive in Mayfield Township. The property is zoned RC-1, Residential Conservation District. He explained that the required public hearing was conducted on January 15, 2009 by DeKalb County Hearing Officer Ron Klein. The petitioners emphasized at the public hearing that they operate a home decoration business, "Timeless Interiors," from the subject property and provide window treatments, pillows and "home accents" which are delivered once or twice a week to the residence and then installed in customer's homes. Mr. Miller informed the Committee that there are no other employees or signs proposed with the use and that no members of the public spoke in favor of or in opposition to the request, although two neighbors asked questions at the hearing. The Hearing Officer submitted his findings and recommended approval of the Special Use Permit with conditions. Mr. Miller suggested if the Committee were to approve the use that as a condition to the Special Use Permit, the business should operate in substantial accordance with the application.

Mr. Haines clarified that his motion included the condition that the home business operate in accordance with the details of the Special Use application. Ms. Vary agreed that was a condition of the motion.

The motion to approve the requested Special Use Permit with condition passed unanimously.

DISCUSSION ITEM - Evergreen Village

Mr. Miller briefed the Committee on the on-going mitigation project, he noted that staff has been working on a project to mitigate the repetitive flooding problem in the Evergreen Village mobile home park since before the August 2007 flood event. He explained that the project involves an application for funding through the Illinois Emergency Management Agency (IEMA) to purchase the land, the trailers, and provide relocation assistance to the residents of Evergreen Village. He emphasized that the goal is to remove the mobile home park entirely, pointed out that the mitigation program is a cost-share arrangement, with the Federal government providing 75% and the local government the remaining 25% of costs. Mr. Miller stated that the County submitted a Pre-Application in December of 2007, which was approved by IEMA, and that for most of 2008 the application was then on hold because the County was informed by IEMA that there were insufficient funds for the 75%. He highlighted that an appraisal was completed at the County's expense in October of 2008, and this is an important step in the process. Recent conversations with IEMA representatives have indicated that there may now be enough funds for the Evergreen Park project. Mr. Miller explained that while this is encouraging, there is of course no guarantee of approval because funding is very competitive. The County now expects to file its full application by the end of January or February at the latest. Molly O'Toole, the consultant for the County on the mitigation project, has worked hard to bring down the total costs of the project, since a lower-cost project has a better chance of being funded. There is also the continuing challenge of finding a source for the 25% local match, and a number of possibilities are being pursued. Mr. Miller concluded by informing the Committee that staff continues to receive inquiries from residents regarding this important project.

Mr. Haines asked if the County's lobbyist was involved in petitioning the State. Ms. Tobias answered that the Evergreen Village project is include in a list of projects that both the lobbyist and County Board members would be taking to Springfield for upcoming meetings with State legislators.

Mr. Andersen noted that Mr. Miller had mentioned an appraisal of the property. In light of the downturn in the economy, he wondered if the appraisal should be redone. Mr. Miller noted that the appraisal was completed in October of 2008 and noted that the park was a business property rather than a residential property and therefore there might not be much difference between the appraisal that's been completed and a new one. Mr. Miller offered to readdress this issue with Ms. O'Toole.

Ms. Vary asked how the purchase of the property would be distributed. Mr. Miller explained that the owner of the park as well as the owners of the trailers would be compensated by the mitigation project. Residents would also receive some financial assistance in relocating.

Mr. Hulseberg asked about the possibility of purchasing trailers one at a time to slowly remove the park. Mr. Miller responded that there were several reasons why the purchases many not be in the County's best interest: 1). The project's cost-benefit analysis would change if the County reduced the number of trailers to be replaced. Fewer trailers means a reduction in the benefit side of the equation, which would make the project less desirable; 2). The County cannot collect on funds spent before a mitigation project is approved, meaning that money spent on buying trailers could not be recouped; 3). A County program to buy up trailers could be construed by the owner of the Park as an effort to put him out of business without paying him the value of his land, which could result in an unwanted lawsuit; and, 4). The trailer park is a "grandfathered" use, meaning the property owner could replace any trailers that are removed with new units, provided the new trailers are set two feet above the flood elevation. Mr. Miller therefore concluded that such an approach may not be a wise use of funds.

Ms. Tobias noted that the County was trying to reduce the price tag of the project to encourage mitigation. Ms. Vary added that the County appeared to be in a catch-22 situation.

Mr. Andersen asked staff to continue working on the project. Mr. Miller stated that he would speak with Molly O'Toole to gauge progress on the full application, and provide feedback to the Committee at its next meeting.

Mr. Hulseberg asked about if the County still had an advantage since it has an All Hazards Mitigation Plan. Mr. Miller agreed that not many other counties have such a plan and must adopt one prior to seeking mitigation money. However, Mr. Miller explained that he's been told that the priority for these types of projects often go toward single-family dwellings over mobile units. Still, he noted that the Evergreen Village project would address the needs of 200 households, and it is clearly a repetitive-loss situation.

Ms. Vary asked about the units that are considered damaged 50% or greater. Staff provided the Committee with a map showing which units were considered damaged and those that are vacant. Mr. Miller told the Committee that he would keep them informed of any changes.

DISCUSSION ITEM - Year End Report

Mr. Miller briefed the Committee on the DeKalb County Planning, Zoning and Building Department's Annual Report FY 2008, which was provided in the Committee members packets. He noted that the report indicates the steep drop-off in Building Permit applications, most likely due to the current economic environment. Mr. Miller then described the report outlining the activities of the Department and explaining the primary duties of the Planning, Zoning and Building Department.

Mr. Haines remarked that the number of farm buildings in the 10 Year Summary Building Report, in Attachment "B", appeared to be relatively stable considering the economy. Mr. Miller agreed asserting that farming is a relatively stable industry, which highlights its importance to the County.

Mr. Anderson inquired as to why the value of construction in the 10 Year chart was so high for 2008 in comparison to many previous years. Ms. Von Drasek noted that the Guardian Pipeline Compressor Station was included in that total, and was valued at approximately \$20 million dollars.

Mr. Anderson asked if staff envisioned any increases in permit fees. Mr. Miller noted that if a wind farm project were approved, the number of permit applications would spike in 2009, but that he could not project any other increase in revenue.

Mr. Hulseberg asked what percentage of violations are brought to staff's attention by complaint. Ms. Von Drasek opined that 95% of complaints are initiated by neighbor complaints. Mr. Miller explained that staff would only initiate a violation if there was an egregious violation or threat to safety and welfare of the public.

The Committee then briefly discussed the process and purpose of Special Use Permits.

Mr. Miller briefly explained Variations, Use Variations, Nonconforming Use Variations, and other issues. He went on to explain that Committee members and the County Board are the policymakers, while staff interprets and implements the policies and regulations. He briefly reviewed the zoning actions Committee members would be asked to consider including (i.e. Special Use applications, text amendments, etc.). Ms. Vary noted that a handout from a few years back outlined these processes and would be a useful thing to distribute again.

Mr. Hulseberg asked if Committee members need be present at public hearings. Mr. Miller stated that the Committee members were welcome and encouraged to attend the hearings, but cautioned that Committee members refrain from sharing their opinions on a matter until it is in front of the Committee and County Board.

Mr. Haines asked if a preference should be given to an existing use when a new project is proposed. Mr. Miller indicated that it depends, and noted that this is why the County Board reserves such decisions for itself. It is the responsibility of the County Board members to weigh

the opinions of opposing property owners against the interests of the petitioner and those of the entire County. He also noted that this is why staff encourages applicants discuss their proposals with surrounding properties. Ms. Von Drasek added that this process also vets possible conditions for a Special Use Permit.

Mr. Miller added that as County Board members are approached by members of the public about these applications, they should feel free to direct the individuals to staff or answer their questions to the best of their knowledge. He cautioned again that Board members should not express their opinions or indicate their position on a Special Use Permit until it is before them.

Mr. Hulseberg asked that the Committee be kept apprised of the Solid Waste Ad Hoc Committee's findings. Mr. Miller agreed to do so.

The next meeting of the Planning and Zoning Committee is scheduled for February 25, 2009 at 7:00pm in the Conference Room East.

ADJOURNMENT

Mr. Anderson moved to adjourn, seconded by Ms. Tobias, and the motion carried unanimously.

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman

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