

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

The Planning and Zoning Committee of the DeKalb County Board met on October 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, Ruth Anne Tobias, Marlene Allen, John Hulseberg, Pat Vary, Michael Haines, Larry Anderson and Stephen Walt, and staff members Paul Miller, Ray Bockman, and Rebecca Von Drasek. Also, in attendance were Mel Hass and various members of the public.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order, and noted that all members were present, except Michael Haines.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Tobias moved to approve the minutes of the September 23, 2009 meeting of the Planning and Zoning Committee, seconded by Ms. Allen, and the motion carried unanimously.

Mr. Andersen asked for any public comment on issues not subject to a public hearing. Hearing none, the Committee continued with the agenda.

PLANNED DEVELOPMENT:

Mr. Miller explained that the James Crest, the property owner, has filed an application for a Zoning Map Amendment to rezone property located at 15303 U.S. Hwy 30 from RC-1, Residential Conservation District, to PD-C, Planned Development-Commercial. He noted that the proposal is to continue to use the property for a single-family residence and also as a storage yard for boats and RVs. Mr. Miller explained that the required public hearing was conducted on September 24, 2009 by DeKalb County Hearing Officer Ron Klein. The petitioner indicated at the public hearing that the subject property has been used for storage of trucks and trailers for 40 years, including the period of time that it has been under the current ownership. The request to rezone the property is to bring it into compliance rather than allowing it to remain nonconforming. It was noted that there is existing commercial storage immediately to the east, commercial uses to the north, and a Special Use to the west. The petitioner testified that there would be no additional employees, no paving of the storage lot, and no signage, and that the proposal was to store up to 75 vehicles on the subject property. Staff noted that the request would not be in accordance with the County's policy of encouraging non-agricultural uses to occur through annexation to the municipalities. At the hearing staff also asserted that the application for rezoning was so deficient in terms of information from the petitioner that it would be impossible for the County Board to make an informed decision on the request. Two members

of the public spoke in opposition to the request. Letters of opposition were received from the Village of Hinckley and Squaw Grove Township. The Soil and Water Conservation District noted that the petitioner had not applied for the required Natural Resources Inventory Report (subsequent to the public hearing, the SWCD issued a letter indicating no objection to the requested rezoning). The County Engineer submitted a note indicating that the request should not be approved until the property is brought into conformance. Mr. Miller noted that the Hearing Officer submitted his Findings of Fact and recommended denial of the request for rezoning the subject property to PD-C. In conclusion Mr. Miller also informed the Committee that Mr. Crest has chosen not pay for the outstanding Zoning Application fees. Mr. Miller reminded the Committee that they could approve, approve with conditions, or deny the application.

Mr. Haines arrived at 7:05 pm.

Mr. Ken Andersen indicated that he had spoken with Dan Godhardt from the Village of Hinckley, and in keeping with the policy to direct development to the municipalities, Mr. Andersen suggested that the Village was open to a discussion with the petitioner regarding annexation of the subject property. Mr. Andersen asked if a motion therefore to table this item was in order. Mr. Miller responded that redirecting the application was Mr. Crest's decision. Mr. Crest informed the Committee he was not interested in annexation to the Village.

Mr. Walt asked if the Committee should send the issue back to public hearing for staff to review new information submitted by Mr. Crest after the public hearing.

Mr. Hulseberg suggested that returning the issue to the Hearing Officer should be contingent on Mr. Crest being willing to submit the information requested by staff and pay the associated fees. Mr. Miller indicated that staff had received correspondence from the applicant indicating unwillingness to pay. Mr. Crest stated that he questioned the review process. Mr. Miller explained that the initial payment was \$350 to cover the first hour of the Hearing Officer's time, and that all remaining fees cover other costs incurred by the County to process and publish information regarding the request.

Mr. Ken Andersen asked if the fill that has been placed on the property had played a role in the Hearing Officer's decision, as Mr. Crest had asserted in follow-up correspondence. Mr. Miller noted that Mr. Crest brought up the issue at the public hearing, and Mr. Miller emphasized that the Hearing Officer's rationale for denial was outlined in his findings.

Mr. Hulseberg asked Mr. Crest if he would pay the fees, Mr. Crest responded he would if that was what it would take to get the zoning. Mr. Miller pointed out the fees are payable regardless of the decision of the County Board. The fees are intended to cover the costs incurred by the County for processing the request.

Mr. Haines stated he agreed with the Hearing Officer's recommendation, and noted that the petitioner has not provided adequate information.

Mr. Haines moved to recommend denial of the petitioner's request for a minor planned development, seconded by Mr. Walt, and the motion carried unanimously.

Mr. Ken Andersen noted that the Ordinance would be forwarded to the County Board for a vote on November 18, 2009.

Mr. Crest then asked staff if the application was now complete. Mr. Miller responded that the application was not complete and stated that he would be happy to discuss the issue further with Mr. Crest the following day.

ZONING TEXT AMENDMENT:

Mr. Miller explained that the Planning, Zoning and Building Department staff, on behalf of the Planning and Zoning Committee, filed a petition for a Zoning Text Amendment to Article 5, Supplementary District Regulations, of the DeKalb County Zoning Ordinance. The proposed Amendment is to reduce the minimum lot size on which a small wind energy system (wind tower) may be located from two acres to one acre, and to allow such systems in the RC-1, Residential Conservation District. Mr. Miller summarized the public hearing for this Zoning Text Amendment, which was conducted by Hearing Officer Ron Klein on October 1, 2009. Staff presented the petition and testified as to the rationale for adopting the proposed amendment, noting that the change would allow small wind towers on properties zoned RC-1, since the minimum lot size in that district is one acre. The existing regulations currently prohibit such towers in the RC-1 District because they are, as yet, an atypical visual element of the suburban landscape. However, the proposed setbacks for small wind towers (the height of the tower plus 10%) are not proposed to change, so that the height of a tower would be restricted by the arrangement of the house and proximity to lot lines. Two members of the public spoke in favor of the request and none in opposition. The Hearing Officer has filed his report and recommends approval of the Text Amendment. The Planning and Zoning Committee is requested to review the petition and report and recommendation of the Hearing Officer, and forward an ordinance to the full County Board for action on the Zoning Text Amendment. Mr. Miller reminded the Committee that they could recommend approval, approval with changes, or denial of the request.

The Committee briefly discussed the Text Amendment.

Ms. Vary moved to recommend approval of the text amendment, seconded by Ms. Allen, and the motion carried unanimously.

DISCUSSION ITEM -- Draft FY 2010 Budget for Planning, Zoning and Building Department

Mr. Miller noted that a draft version of the Department's Budget was included in the Member's packet for their review.

Mr. Ken Andersen noted that there were no increases from the 2009 budget, and that there was actually a decrease in expenditures proposed. He asked how many vehicles belonged to the Department. Mr. Miller indicated that there were two trucks.

Mr. Haines asked about personnel salaries. Mr. Bockman noted that the Department Heads do not propose personnel costs, as the Finance Department oversees this section.

Mr. Ken Andersen clarified that no action was needed. Mr. Miller agreed, noting that this was an opportunity for the Committee to weigh-in but that it would be forwarded for their review with the entire budget proposal.

PERSONNEL -- Consideration of merit award for Planning Director

Mr. Bockman referenced his correspondence to the Committee Members on various dates regarding personnel, performance, and bonuses. He noted that he intended to speak against any compensation increases for staff beyond the two percent cost-of-living increase in the upcoming budget.

Ms. Vary asked if the Committee could still recommend Mr. Miller for recognition of a merit award.

Mr. Bockman stated that was up to the Committee. He agreed that Mr. Miller had performed exceptionally, he observed that the recommendation was up to the County Board members the Executive Committee and himself would then decide what type of recognition (i.e. monetary, etc.) would be associated with the merit awards.

Ms. Tobias agreed with Ms. Vary that Mr. Miller was deserving of a merit award but conceded she was not sure it would result in anything beyond a certificate of appreciation.

Mr. Bockman confirmed that the support was unanimous with the Committee and stated he would forward their findings to the Executive Committee.

DISCUSSION ITEM -- Consideration of the National Association of Counties (NACo) policies related to Energy, Environment and Land Use

The Committee briefly discussed the items. On hearing that all members had completed the survey in advance of the meeting, Mr. Andersen collected the completed surveys and determined he could tabulate the Committee's response from the averages.

DISCUSSION ITEM -- November and December 2009 Planning and Zoning Committee meeting dates

Following a brief discussion the Committee decided to cancel the November and December meetings. If necessary staff agreed to contact members of upcoming issues and attempt to schedule a meeting. Staff noted that at this time there were no outstanding applications in cue for the Committee's review.

MONTHLY REPORT:

Ms. Vary asked if about the plans of the Aurora Sportsman Club, now that the 2016 Olympics were going to Rio rather than Chicago. Staff responded that the Club would complete the improvements within Phase One and would revisit future improvements in a similar fashion with an amendment to their Special Use.

Ms. Allen asked about the fee collection for zoning applications. Mr. Miller responded that generally applicants pay, and he stated that Mr. Crest was the first flat refusal to pay the fees that he could remember.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet January 27, 2010 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman

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