

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
December 8, 2010**

The Planning and Zoning Committee of the DeKalb County Board met on December 8, 2010 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Ken Andersen, John Hulseberg, Ruth Anne Tobias, John Emerson, Jeff Whelan, John Gudmunson and Pat Vary. Also in attendance were Christie Hardt, Peter Smith, Roger Craigmile, Mel Hass and staff members Paul Miller and Rebecca Von Drasek.

Ken Andersen, Planning and Zoning Committee Chair, called the meeting to order and noted that all members were present. He welcomed the new and returning members to the newly appointed Planning and Zoning Committee, he encouraged members to set up a tour of the Planning and Zoning Department to familiarize themselves with its operations and staff.

APPROVAL OF AGENDA

Mr. Andersen amended the agenda to include a discussion on adding a new type of liquor license for unincorporated DeKalb County.

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

APPROVAL OF MINUTES

Ms. Vary noted two typographical corrections on Page 2 of the October 27, 2010 minutes.

Mr. Hulseberg moved to approve the minutes of the October 27, 2010 meeting of the Planning and Zoning Committee as amended, seconded by Ms. Vary, and the motion carried unanimously.

SPECIAL USE PERMIT

Mr. Miller explained that Christie Hardt and Robert DeCosta have filed an application for a Special Use Permit to allow a commercial dog breeding kennel on property located at 6367 East Clare Road in Mayfield Township. The subject property is zoned A-1, Agricultural District. Mr. Miller pointed out that any property housing more than five dogs is considered a kennel per the definition in the DeKalb County Zoning Ordinance. In the A-1, Agricultural District, a kennel requires a Special Use Permit. The required public hearing was held on November 18, 2010 by DeKalb County Hearing Officer Ron Klein. At the hearing the petitioner provided testimony and exhibits in support of the requested Special Use, including that the kennel would be for breeding dogs as well as for boarding dogs. The kennel would be located within an existing building on the property, and traffic to the site would be by appointment only. Sales would be to individuals only, with no wholesale to pet stores. Currently the kennel has 12 breeding females, and the State license allows a maximum of 20. The maximum number of dogs expected at any one time would be 40. Mr. Miller emphasized that the petitioner testified at the hearing that the

kennel is already licensed by the State. He noted that, regardless of whether the use is approved, the septic system that has been installed for the building needs to get a permit from the Health Department. In addition, if the County Board approves the use, Building Permits are required for improvements within the structure, as would a finalized parking plan. Mr. Miller noted that the Hearing Officer had recommended approval with specific conditions that the petitioner testified were acceptable.

Mr. Andersen observed that the applicant's attorney, Peter Smith, was a friend and business associate, but opined that this relationship would not compromise his participation on the Hardt's proposal.

Mr. Hulseberg asked how staff would verify that sales were not to retail or wholesalers. Mr. Miller responded staff would need to be informed of such a violation. He stated that this condition was suggested in the hope of preventing a "puppy mill"; should it become that kind of operation, the condition would give staff recourse to take action.

Ms. Vary clarified that the maximum number of animals permitted on the property including pets, boarding, and puppies was 40. Mr. Miller offered that the Health Department's ability to regularly inspect the property would monitor compliance with this standard.

Ms. Vary also confirmed that the petitioner had agreed to paving the handicapped space. Mr. Miller confirmed that this is a State requirement.

Mr. Whelan asked about the petitioner's breeding schedule, noting that if each of the females had a litter then they would easily exceed the maximum number of dogs. Ms. Hardt responded that she did not breed all of the females at the same time, nor are they bred every time they are in season.

Mr. Gudmunson asked how many approved kennels were in the County. Mr. Miller approximated that there were at least six breeding kennels in the unincorporated area.

Mr. Emerson asked the petitioner which breeds were the dogs. Ms. Hardt responded that she has small breeds, Yorkshire terriers, Maltese, Chihuahuas, and Shih Tzus.

Mr. Andersen confirmed with the petitioner and her representative that they agreed with the proposed conditions. Mr. Smith responded that they agreed.

Ms. Vary moved to recommend approval of the Special Use Permit with Conditions, seconded by Mr. Gudmunson, and the motion carried unanimously.

DISCUSSION ITEM - Liquor License Code Revision

Mr. Andersen briefed the Committee on the request by Howard Petersen to consider adding a new type liquor license to the County Code which would allow his reception hall business, the Chapel in the Pines, to serve alcohol without requiring a third party caterer. Mr. Andersen stated that Mr. Petersen had complained that he had lost business and events due to the fact that he

could not hire a third party vendor to sell liquor at some events. Mr. Andersen asked the Committee to direct staff to research this issue and report back to the Committee.

Mr. Miller noted for the Committee that Mr. Petersen had renewed his Special Use Permit for Chapel in the Pines within the last year to add the banquet hall services. He explained that he would also check the status of the Special Use Permit because he recalled that it specifically prohibits the Petersens from having a liquor license as part of the business. He explained that the previous Committee and neighboring property owners had expressed concern about the prospect of the reception hall becoming a bar. Mr. Miller concluded that, aside from the County creating a liquor license and Mr. Petersen being granted the newly created license, the Special Use Permit therefore might need to be amended. He agreed to report back to the Committee in February on the issue.

Mr. Hulseberg concurred with Mr. Miller's comments and noted that the Committee had previously researched and found that Blumen Gardens and St. Mary's Church both use third party caterers for alcohol sales at their functions, and have profitable events without direct liquor sales.

DISCUSSION ITEM - Next Committee Meeting

The Committee briefly discussed the next Committee meeting date. Mr. Miller pointed out that the FY 11 County Budget calls for 10 meetings of the Committee instead of 12. As there are no business items pending, he recommended that the January 2011 Committee meeting be cancelled. It was agreed that this would be appropriate, especially given that the Committee can meet if an emergency need arises. The Committee also discussed whether it would continue to meet on the fourth Wednesday of every month at 7:00 p.m. It was agreed that this would remain the regular monthly meeting time.

Ms. Vary moved to cancel the January meeting and meet next on February 23, 2011, seconded by Mr. Whelan, and the motion carried unanimously.

MONTHLY REPORT

No comments were made.

Mr. Andersen recognized members of the public present and asked for comments or questions.

Mr. Hass asked about the upcoming Comprehensive Plan update. Staff informed him that three Open House meetings had been scheduled and that the draft Comprehensive Plan was available on the County's web site, and comments or suggestions from the public were encouraged and welcome.

Mr. Hass requested a fourth open house meeting be scheduled in Waterman or Shabbona. Staff pointed out the public could comment at any time and that the Open Houses were a method to make the hard copies more accessible, but that comments were welcome at any time. Such comments can be in writing or verbal. Staff observed that adding a fourth meeting might beget

requests for yet more meetings, and that a new notice would have to be prepared and published. Staff is endeavoring to make the draft update to the Comprehensive Plan as widely available as possible, but is also attempting to control costs and resources. Mr. Andersen asked Mr. Hass if he and other interested persons could make it to one of the scheduled Open House meetings, and Mr. Hass indicated he could do so.

The Committee briefly discussed the distribution list that received the Open House notice and the Draft Comprehensive Plan. Mr. Miller noted that aside from the County Board and Municipal officials, staff had sent the notices to NIU, Kishwaukee College, the DeKalb Realtors Association, the Farm Bureau, the Chambers of Commerce, Economic Development and Business Associations, and the surrounding Counties. The Committee asked that the School Districts and the Townships also be informed of the upcoming Open Houses regarding the Comprehensive Plan.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet February 23, 2011 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

Kenneth Andersen
Planning and Zoning Committee Chairman