

DRAFT

**PLANNING AND ZONING COMMITTEE
MEETING MINUTES
April 27, 2011**

The Planning and Zoning Committee of the DeKalb County Board met on April 27, 2011 at 7:00 p.m. in the Gathertorium located in the DeKalb County Legislative Center. In attendance were Committee Members Ken Andersen, John Hulseberg, Ruth Anne Tobias, John Emerson, Jeff Whelan, Pat Vary, and Dan Cribben. Also in attendance were Roger Craigmile, Ken Johnson, Renae Vanderhayden, Dustin Hanson, Greg Millburg, Brent Haag, and staff members Paul Miller and Rebecca Von Drasek.

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

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Ms. Tobias moved to approve the minutes of the March 23, 2011 meeting of the Planning and Zoning Committee, seconded by Mr. Hulseberg, and the motion carried unanimously.

SPECIAL USE

Mr. Miller explained that Faith World Outreach Church had filed an application for a Special Use Permit for a church, in accordance with the requirements of Section 9.01.B.2 of the DeKalb County Zoning Ordinance. The petition is to allow the establishment and operation of a church on a 20.51-acre property located on the east side of Bucks Road, approximately 2,500 feet south of Cherry Valley Road, in Franklin Township. The subject property is zoned A-1, Agricultural District.

The required public hearing was conducted on March 17, 2011 by DeKalb County Hearing Officer Ron Klein, at which the petitioner provided evidence, testimony and exhibits in support of the proposed church. Services would be held in an existing accessory building, to which washrooms would be added as required by DeKalb County Building Codes. The Church would have up to 60 members. Parking would be provided on an existing driveway, which would be improved by pavement, striping of spaces, and three light poles. The existing single-family residence would be the parsonage. A variety of activities associated with the Church would take place on the property. Letters of support for the Church were submitted by the petitioner. Staff noted that if the Special Use is approved, the accessory building would need to be modified per Building Code requirements, which could be costly; it was advised that the petitioner consult with the Chief Building Inspector on these regulations. Staff also advised coordination with the Township Road Commissioner regarding traffic on Bucks Road and proposed improvements to the access to the property. Four persons spoke in opposition to the proposed Special Use.

Several members of the Church, along with one adjoining property owner, spoke in favor of the Church. The Hearing Officer requested that the petitioner consult with the Chief Building Inspector and the Township Road Commissioner and submit letters regarding these consultations for inclusion as part of the public hearing record. Letters from a representative of the Church were subsequently accepted. The Hearing Officer has submitted his findings and recommends denial of the Special Use Permit.

Mr. Andersen disclosed that his brother-in-law was the Franklin Township Road Commissioner, and noted that this would not effect his vote on this issue. He informed the Committee that he had attended the public hearing and that neighboring property owner concerns related to the number of people that would be traveling to the property and the poor condition of Bucks Road. Mr. Andersen observed that although this use is a possible Special Use in A-1, Agricultural District, he did not feel it was compatible with agricultural uses or in keeping with the Comprehensive Plan. He was concerned that approval may set a bad precedent since it does not direct non-agricultural growth and development to the municipalities. He also mentioned that the petitioner had indicated their intentions to operate a youth center in Kirkland. Mr. Andersen asked staff if in the event that the number attending the church exceeded 60 persons, would the applicant need to seek an amendment to the Special Use Permit. Mr. Miller responded that staff would not be counting heads at the property, but explained that the sanctuary would need to be expanded to accommodate a larger community and that is when the expansion threshold would be reviewed.

Ms. Tobias observed that within the Hearing Officer's findings was the indication that staff had requested the applicant contact the Township Road Commissioner and Chief Building Inspector. Mr. Miller explained staff's concern that the associated costs of retrofitting the pole barn into a sanctuary may be cost prohibitive.

Mr. Ken Johnson, attorney for Faith World Outreach Church submitted evidence of the financial capabilities to cover the cost of the renovations.

Ms. Vary noted that Franklin Township had no plans or funding to improve Bucks Road.

Mr. Hulseberg inquired as to the previous application by Faith World Outreach Church made in 2006. Mr. Miller stated that the development plans in 2006 were inadequate to meet minimum standards. He explained that the current application included better plans, handicapped accessibility, facility improvements, and has given staff greater confidence that the improvements will be done to code.

Ms. Vary asked how long the applicant will have to make those improvements. Mr. Miller responded that any approved Special Use Permit allows the petitioner one year from the date of County approval to comply with a majority of the conditions and begin operation.

Mr. Whelan agreed that most churches are intending to grow their congregation and become a community center. Mr. Miller affirmed that the building physically limits the growth of the church due to need for space and fire code compliance. If the church planned to expand a future review of the Special Use Permit and site will determine the appropriateness of the expansion.

Mr. Whelan asked if the property could be annexed. Mr. Miller responded that the property was too far from the municipal boundaries.

Ms. Tobias noted the drainage comments prepared by the applicant. Mr. Miller responded that staff would likely concur with the applicant's findings regarding drainage, adding that prior to construction of the improvements plans would be reviewed to determine compliance with the Stormwater Management requirements.

Mr. Emerson asked approximately how far was the church from Kirkland. Two and half miles was the consensus from all present.

Mr. Cribben asked if the church was already using the property for services. Mr. Miller noted that at the public hearing the applicant's testimony was that church services were not being held on the property, but he noted that church activities have been taking place at the property in the past.

Mr. Cribben noted that the tax exemption was granted to the subject property.

Ms. Vary noted that the parsonage qualified the property for that exemption.

Mr. Cribben asked if the church should pay for maintenance of the road. Mr. Miller suggested that such a requirement would be inconsistent with the treatment of other churches in the unincorporated areas of the County.

Ms. Tobias clarified that the church owns the subject property. Mr. Johnson affirmed that the church was the owner of the property.

Ms. Vary expressed concern about the approval of such an active use on a small gravel road.

Mr. Andersen theorized that the discussion should focus on the church as a land use. He noted that a church was a little different than many of the other recent Special Use applications because it was an assembly use. He also stated that at the public hearing the petitioner had discussed signing off that the church members would not contest the surrounding agricultural activities.

Ms. Tobias moved to recommend approval of the Special Use Permit, seconded by Mr. Hulseberg.

Staff explained that if the Committee was inclined to recommend approval, the Committee would need to draft its own findings since the Hearing Officer recommended denial. He read aloud to the Committee the standards Section 9.02.B.3 of the DeKalb County Zoning Ordinance. He observed that the applicant was committing to meet all applicable provisions of the district regulations, and that since a church is a typical use in the residential and rural areas that it would not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public welfare at large. He then asked for the Committee's findings regarding 9.02.B.3.c. which reads, "the location and size of the special use, the nature and

intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:1).The location, nature and height of buildings, structures, walls, and fences on the site; and 2).The nature and extent of proposed landscaping and screening on the proposed site”.

Mr. Andersen responded that the proposed light poles were unusual for the agricultural district. Mr. Miller noted that a previous church applicant had a condition within the approval limiting the lights use and suggested the same condition could be applied here.

Ms. Tobias also asked that a condition include the church commitment to accept the surrounding agricultural activities. Mr. Andersen felt that Ogle County may have an existing agreement that property owners are given when they purchase land with the County. Mr. Miller offered to research this issue.

Ms. Tobias, in response to Section 9.02.B.3.c., asserted that the use would not dominate the immediate area.

Mr. Miller continued reading the approval criteria, and asserted that the development plans would be reviewed to confirm that the proposed off-street parking and loading areas will be provided in accordance with the standards set forth in County’s regulations, and that adequate utility, drainage, and other such necessary facilities have been or will be provided. Mr. Miller also observed that churches are a part of the landscape within the agricultural areas of the County and are generally not thought of as detrimental in response to Section 9.02.B.3.f. He then noted that conditions of approval had not been drafted yet, and that staff would need some time to consider what conditions may be reasonable.

Mr. Hulseberg opined that it would be better for the Committee to table the issue and direct staff to craft the Findings of Fact and possible conditions of approval for the Committee to review at its next meeting.

Mr. Andersen stated that first Ms. Tobias’ motion required action.

Ms. Tobias moved to recommend approval of the Special Use Permit, seconded by Mr. Hulseberg. Ms. Tobias, Mr. Hulseberg, and Ms. Vary voted in favor and Mr. Whelan, Mr. Emerson, Mr. Cribben, and Mr. Andersen opposed. The motion failed.

Mr. Whelan observed that he was not opposed to the Special Use but he was opposed at this time to passing the recommendation without more review.

Mr. Hulseberg again suggested that if the applicant did not object, the Committee could table the issue and allow staff to craft the Findings of Fact and conditions for the Committee to review.

Mr. Hulseberg moved to table consideration of the Special Use Permit until the May meeting of the Planning and Zoning Committee, seconded by Mr. Whelan. Mr. Hulseberg, Mr. Whelan, Ms.

Tobias, Mr. Andersen, and Ms. Vary voted in favor and Mr. Emerson and Mr. Cribben opposed. The motion carried.

SPECIAL USE AMENDMENT

Mr. Miller explained that Hanson Landscaping had filed a petition for approval of an Amendment to a Special Use Permit for a landscaping business on property at 3772 East Sandwich Road in Sandwich Township. The six-acre subject property is located approximately 3,750 feet north of the intersection of East Sandwich and Wagner Road, and is zoned A-1, Agricultural District with a Special Use Permit for a landscaping business. The application has been filed in accordance with the requirements of Section 9.02.B. of the Zoning Ordinance.

The required public hearing was held on April 7, 2011 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Amendment to a Special Use. The landscaping business would be expanded to employ a maximum of 30 persons, rather than 15 as approved by the County Board in 2010. Further, whereas previously all material and equipment was to be stored within structures, landscaping materials would now be stored in concrete bins located between and behind existing buildings. Staff recommended that the petitioner consult with the County Health Department to assure adequate sanitary facilities would be provided for employees. Staff also requested a finalized parking plan, including landscaping, for review and approval. Waivers of otherwise applicable parking, landscaping, curbing and stormwater management regulations would also need to be requested. No members of the public spoke in favor of or in opposition to the request. The Hearing Officer has submitted his findings, and recommends approval of the Special Use Permit.

Mr. Whelan asked the distance of the subject property to the City of Sandwich. Mr. Miller estimated that the property was a mile and a half.

Ms. Vary asked what types of outside storage was proposed. Mr. Hanson responded that trucks and enclosed trailers would be stored outside.

Mr. Andersen noted that the applicant received the initial approval to operate less than a year earlier.

Mr. Emerson moved to recommend approval of the amendment to the Special Use, seconded by Ms. Vary, and the motion carried unanimously.

COMPREHENSIVE PLAN UPDATE

Mr. Miller explained that the DeKalb County Unified Comprehensive Plan was adopted by the County Board in 2003. In the years since then, population in the County has increased, some municipalities have expanded and adopted updated comprehensive plans, new land uses have been established, new technology related to land use has been adopted, and new elected officials have taken seats on councils and boards. The County Board recognizes the need for the Comprehensive Plan to continue to accurately depict the common vision for the future of the

County. Accordingly, the Planning and Zoning Committee directed staff in 2010 to initiate an update to the Unified Comprehensive Plan.

Staff directed a simplified update process. New demographic information was generated, including the latest population data from the 2010 Census. Updated municipal boundaries and future land use plans were collected and integrated into a new unified future land use plan, as was improved information on regulatory floodplains. Goals and objectives within the Comprehensive Plan were reviewed and updated, as was information related to the Future Transportation Plan. Staff coordinated the update process with the DeKalb County Regional Planning Commission to solicit input and participation from the municipalities. The draft plan was disseminated to surrounding counties and to agencies and organizations within the County. Three Open House meetings were conducted in January to seek input from the public. Comments and suggestions were collected and evaluated as part of the final draft of the Comprehensive Plan text. A public hearing on the update to the Unified Comprehensive Plan was held on March 24, 2011 by DeKalb County Hearing Officer Ron Klein. The DeKalb County Planning Director presented the updated plan and highlighted the changes, noting in particular that the Unified Comprehensive Plan strengthens the County's policy of discouraging scattered development through the rural, agricultural portions of the County, concentrating that development instead in and around the municipalities where the public infrastructure and services needed to support development is located. Several members of the public attended the hearing and asked questions. One member of the public made suggestions for changes. None spoke in opposition to the draft update. The Hearing Officer has forwarded his report and recommends that the County Board adopt the update to the Unified Comprehensive Plan as presented. Mr. Miller emphasized that this draft was an update not a due over.

Ms. Vary moved to add to the Goals & Objectives Section that the County work toward total recycling, seconded by Mr. Hulseberg, and the motion carried unanimously.

Mr. Whelan asked if the keeping the Kishwaukee River clean was included within the draft. Mr. Emerson responded that the objectives to prevent flooding would cover the continued maintenance and health of the river.

Ms. Vary asked if staff had considered the Farm Bureau's changes. Mr. Miller responded that the suggestions had been received after the public hearing.

The Committee recognized Mr. Millburg from DeKalb County Farm Bureau, he explained that he understood that the comments were received after the deadline, but he appreciated the Board's review and consideration. Following a brief discussion the Committee made an amendment to include one of the Farm Bureau's revision requests.

Ms. Vary moved to removed the words "large scale and sometimes aesthetically offensive" in the fifth paragraph on page 38 of the draft plan, seconded by Ms. Tobias, and the motion carried unanimously.

Ms. Vary disclosed to the Committee that she was previously a member of the DeKalb County Farmland Foundation. She requested that the Committee consider encouraging “conservation easements” within the Comprehensive Plan.

Following a short discussion about how conservation easements work, the Committee debated the need for them and the request to encourage them within the Comprehensive Plan.

Mr. Miller explained to the Committee that the easements can be utilized to prevent the future development of farmland. He noted when used in proximity to municipalities conservation easements are a tool to stop municipal growth. He emphasized that the positive working relationship that the County has been promoting with the County’s communities might be damaged by encouragement of this type of easement.

Ms. Vary disagreed with Mr. Miller. She stated that these easements would be voluntary and without these types of agreement she felt that the municipalities growth would continue unabated. She felt that it was a worthwhile goal and that the easements would protect farmland in 50 to 100 years.

Mr. Andersen questioned why Ms. Vary thought that the existing policies were inadequate.

Mr. Hulseberg suggested that the amendment to the Comprehensive plan identify methods of preserving farmland. He explained that rather than encouraging conservation easements per se, the County would be informing the private landowners of their options.

Mr. Emerson stated that he did not feel that any conservation easements were necessary.

Ms. Vary moved to include identifying possible methods of preserving farmland (i.e. conservation easements, Ag agreements, etc.), seconded by Mr. Hulseberg, and with a vote of five in favor (Mr. Hulseberg, Ms. Vary, Mr. Whelan, Ms. Tobias, and Mr. Cribber) and two opposed (Mr. Emerson and Mr. Andersen), the motion carried.

Mr. Whelan congratulated Mr. Miller and his staff on a job well done on the Comprehensive Plan amendment process.

Ms. Vary moved to recommend adoption of the Comprehensive Plan as amended, seconded by Ms. Tobias, and the motion carried unanimously.

MONTHLY REPORT

The Committee made no comment on the report of project statuses for April 2011.

PUBLIC COMMENTS

Mr. Andersen asked the public present if they had any comments for the Committee. None were offered.

ADJOURNMENT

The Planning and Zoning Committee is next scheduled to meet May 25, 2011 at 7:00 p.m. in the Conference Room East.

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

Respectfully submitted,

Ken Andersen
Planning and Zoning Committee Chairman

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