AGENDA
Planning and Zoning Commission
February 6, 2019
6:00 PM

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES
   1. December 19, 2018

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

E. NEW BUSINESS
   1. **Concept Plan Review** – Request by 145 Fisk LLC, represented by Nicholas Cronauer, for review of a Concept Plan (Sketch Plan) for a proposed 40-room boutique hotel and associated commercial uses at 145 Fisk Avenue.

   2. **Public Hearing (continued)** – Petition for approval of City of DeKalb-initiated text amendments to Chapter 23 “Unified Development Ordinance” of the Municipal Code to amend Article 7.06 to further restrict the type of fences allowed, Article 7.12 to change who authorizes traffic studies, Article 12.03 to allow alternative paving materials for parking lots and driveways, Article 12.04 to modify the landscaping and berming requirements for front, side and rear yards, Article 13.02 to allow variations for off-site temporary signs, Article 16.03 to change the reference from Board of Appeals to Planning and Zoning Commission regarding appeals, and Article 18 to amend the regulations regarding the reference to the Board of Appeals, the appeals process and clarifying what variances can be applied for.

F. REPORTS

G. ADJOURNMENT
The Planning and Zoning Commission held a Meeting on December 19, 2018 at the City of DeKalb Municipal Building, 200 S. Fourth St., DeKalb, Illinois. Chair Christina Doe called the meeting order at 6:01 PM.

A. ROLL CALL

Recording Secretary, Christine Wang, called the roll. Planning and Zoning Commission members present were Chair Christina Doe, Katharina Barbe, Vicki Buckley, Ron Klein, Max Maxwell, and Jerry Wright. Commissioner David Castro was absent.

City staff present were Principal Planner, Dan Olson, and Recording Secretary, Christine Wang.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Christina Doe requested a motion to approve the December 19, 2018 agenda as presented. Ms. Buckley motioned to approve the agenda as presented. Ms. Barbe seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

October 17, 2018 – Mr. Wright motioned to approve the minutes, Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote.

November 7, 2018 - Ms. Barbe motioned to approve the minutes, Ms. Wright seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None

E. NEW BUSINESS

1. Public Hearing – Petition by DeKalb County, represented by John Heimbach of Larson and Darby Group, for approval of amendments to Ordinances 98-37 and 98-38 to allow for additions and renovations to the DeKalb County Rehab and Nursing Center (2600 North Annie Glidden Road).
John Heimbach of Larson and Darby Group, 4949 Harrison Ave, Rockford, IL stated that the DeKalb County Rehab and Nursing Center is looking to add a new transitional care unit for dedicated inpatient rehabilitation to adjust for the changing needs of the County. He said the current facility provides skilled and intermediate care nursing and rehabilitative care, with a proposed addition at the east end of the existing administration building and current rehabilitation areas. He stated that the expansion will provide 18 private rooms, and the center is proposing to add a new multipurpose activity center. He added that part of the bike path will be relocated onto City owned property to the east and other changes would be made to the landscape plan and parking plan. Mr. Heimbach noted they will have extra parking and the new addition will have the same architectural style as the existing building.

Mr. Klein asked if there is something planned that would allow residents to still use the garden in the courtyard. Mr. Heimbach stated that they are talking to the members of the Garden Club to decide what activities would be implemented and there will be a garden in the activity center.

Principal Planner Dan Olson went through the staff report dated December 19, 2018. He stated that the facility was approved in 1998 and the Ordinance zoning the site allowed for the current 194-bed nursing home, the County Health Department Offices and all other ancillary and accessory uses, as well as any other uses as noted on the plan that was attached to the Ordinance. He noted that the two ordinances that approved the plan in 1998 need to be amended to allow for the propose work. Mr. Olson stated that a waiver to the 30 foot buffer requirement between PD-R zoning and residential zoning is needed, as there is no chance for development to the east in the wetland area. He said that a parking count study was conducted by the applicant and there are 326 parking spaces required and 383 spaces are provided on site. Mr. Olson added that according to the 2002 Intergovernmental Agreement between the City and DeKalb County, the County will maintain the 10-foot wide bike path on the City-owned property. Mr. Olson said that more landscape plantings are suggested along the east and north sides of the proposed building addition.

Chair Doe opened to public comment. No one from the public spoke.

Ms. Barbe said that she thought this was a good plan and asked when construction would start. Mr. Heimbach stated that the interior renovations are planned to start as early as next month, and the project is planned to be completed in about 18 months. Mr. Olson stated that permits have been submitted for the interior renovations and exterior improvements would commence in the spring. Chair Doe asked for clarification regarding the bike path and its proximity to the wetland area. Mr. Olson indicated the location of the bike path to the Commission and that part of the relocated path will be on City owned property, where a wetland area is located.
Chair Doe gave the public one more opportunity speak. There was none, and the public hearing was closed.

Chair Doe asked if the Commissioner had any more questions or comments.

Mr. Klein made a motion based on the submitted petition and testimony presented to recommend to the City Council approval of amendments to Ordinances 98-37 and 98-38 to allow for additions and renovations to the DeKalb County Rehab and Nursing Center located at 2600 N. Annie Glidden Road by approving an amended Development Plan dated 12-13-18 prepared by IMEG, Landscape Plan (3 sheets) dated 9-18-18 prepared by Larson and Darby Group, and Exterior Elevations (2 sheets) dated 9-18-18 prepared by Larson and Darby Group and approval of a waiver to Article 5.13.07 6(a) of the UDO that requires a 30-foot buffer from PD-R zoned property to residential zoned property subject to all staff comments as indicated on Exhibit A of the staff report being addressed before final City Council action. Seconded by Mr. Maxwell.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Klein – yes, Mr. Maxwell – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Castro was absent.

2. **Public Hearing** – Petition by B33 Northland Plaza, LLC for approval of amendments to Ordinances 02-45 and 02-46 to modify the permitted and special uses and sign regulations and to approve a Plat of Resubdivision for the property generally located at the northeast quadrant of Sycamore Road and Barber Green Road, commonly known as the Northland Plaza Shopping Center.

Mark Nora, attorney with Polsinelli at 150 N. Riverside Plaza in Chicago, stated that he is representing B33 Northland Plaza, LLC. He noted the development of the Northland Plaza Shopping Center was approved under the provisions of Ordinance No. 02-45 in June of 2002. He said the Northland Plaza Shopping Center would like to bring in a national grocery chain and a national fitness center to the shopping center, which would require an application to expand the use list in the original Ordinance. Mr. Nora noted that the current occupancy of the center is at 49 percent, and stated that it was not an economically viable number. He said that other non-retail uses were added to the proposed amendment to accommodate for the declining demand for “brick and mortar” retail space. Mr. Nora also said that there is no need to create additional parking or new entrances from the shopping center. He stated that the shopping center will enter into a reciprocal easement and operating agreement with the fitness center if Northland Plaza is able to subdivide the property.
Mr. Nora said that because the fitness center will be a fee simple owner and not a tenant, Northland Plaza is compelled to have a resubdivision approved to comply with local and state law. He said that he could not disclose the identities of the fitness chain or the grocery store at this time, but they are working hard to bring them to DeKalb. Mr. Nora stated that Northland Plaza is also looking to add one additional pylon sign on Sycamore Road to allow customers to see all of the tenants in the back portion of the shopping center.

Ms. Buckley asked if the fitness center was going to go into where the old Carson Pirie Scott or J.C. Penney stores used to be located. Mr. Nora indicated that the fitness center would go into part of the space previously occupied by Carson’s. Mr. Klein questioned whether or not if it was necessary to add another sign along Sycamore Road and said that it was counter-productive to have too many signs. Mr. Nora stated that current tenants have stated concerns regarding the existing signage and the inability of customers to see them.

Mr. Olson went through the staff report dated December 14, 2018 and stated that the 2002 Ordinance that approved the development of the Northland Plaza Shopping Center stated that the permitted uses should primarily be retail with restaurants and banks also being allowed. The proposed amendment would allow some non-retail uses and would be comparable to uses in the “LC” Light Commercial District and consistent with similar shopping centers in the area. Mr. Olson noted that the original development agreement also included a sales tax sharing agreement between the City and developer, and the reimbursement of sales tax to the developer was completed in 2013. He said that the applicant was also proposing to amend the sign regulations to allow for an additional pylon sign along Sycamore Road at the north entrance. He noted the applicant is requesting the proposed sign is to be the same height and size as the one at the signalized intersection along Sycamore Road.

Chair Doe asked if the sign will be the same size as the existing sign. Mr. Olson indicated that the proposed sign is the same size, but staff recommends the height be reduced from 41 feet to 30 feet. He also stated that the proposed sign would not have the same tenants listed as the existing sign. Mr. Olson also noted that a third sign is about 60 square feet and is located at the south access onto Sycamore Road. He said that according to the UDO, multi-tenant buildings are allowed to have a larger sign, but the maximum height is 30 feet. He added the applicant has agreed to the smaller sign. Mr. Olson stated that the resubdivision to accommodate the fitness facility requires an amendment to Ordinance 02-46 also. This resubdivision would create a 1.09-acre lot, with no improvements proposed.

Chair Doe opened to public comment. There was no comment from the public.
Ms. Barbe said she agreed that there were too many signs along Sycamore Road, but this does not seem to be a flashing sign. Mr. Klein asked if there was any evidence that the businesses closed because of the lack of signage. Mr. Nora responded that the businesses closed because of lack of customers and that there is a serious concern regarding the retention of tenants. Ms. Barbe asked when construction would begin. Mr. Nora indicated that the first quarter of 2019 is the target date. Ms. Buckley stated that some of her current clients used to be in Northland Plaza, but relocated because of limited visibility. Mr. Wright stated that a larger sign would be beneficial. Mr. Maxwell stated that he sympathizes with the plight of retail stores that are struggling to compete with online orders. Chair Doe asked if there was a better placement for the new sign, such as the landscape median. Mr. Olson stated the location proposed is probably the best and that maintenance would likely be an issue if it was placed in the median.

Chair Doe gave the public one more opportunity to speak. There was none, and the public hearing was closed.

Chair Doe asked if the Commissioners had any more questions or comments.

Mr. Maxwell made a motion based upon the submitted petition and testimony presented to recommend to the City Council approval of an amendment to Planned Development Ordinances 02-45 and 02-46 to modify the permitted and special uses per the attached list indicated on Exhibit A of the staff report, the sign amendments and conditions as shown on Exhibit B of the staff report and to approve a Plat of Resubdivision No. 2 for Northland Plaza dated 11-15-18 prepared by National Survey Service, Inc. at the Northland Plaza Shopping Center along Sycamore Road subject to the amendments, conditions and staff comments as shown on Exhibit C of the staff report. Seconded by Mr. Wright.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Klein – yes, Mr. Maxwell – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Castro was absent.

3. Public Hearing – Petition by Miguel Mendoza and A&D Property Management, LLC for approval of a special use permit for a vehicle service facility (1806 Sycamore Road).

The applicant, Miguel Mendoza, stated that he is petitioning for a special use permit for a building that was previously a Mobil Lube Express so that his family could lease it and use the building as a vehicle repair shop.

Principal Planner Dan Olson went through his staff report dated December 14, 2018 and stated that a vehicle service facility is proposed, which is a
special use in the underlying zoning district of “GC” General Commercial District. He noted the site was formerly used as a vehicle oil change operation and noted that the proposed use is a special use under the UDO. He stated that there are 10 parking spaces on the property and that staff recommends inoperable vehicles shall not be parked on the site for more than 10 days. He said the parking lot is recommended to be sealcoated and re-striped within 120 days after approval and that a handicap sign be installed prior to the special use being operational. Mr. Olson said that under the standards of a special use, the proposed use complies with all provisions of the applicable district regulations and has conditions as part of the approval regarding the operations of the business and bringing the site up to compliance with the UDO. He also noted that the use will not be detrimental to the value of other property in the area and that the special use will not dominate the immediate neighborhood. Mr. Olson also noted that there was a citizen response form from Steve Irving representing 1826, 1836, and 1846 Sycamore Road, who indicated his support for the proposal but expressed concern regarding any exterior storage of junk or unlicensed vehicles.

Chair Doe opened to public comment. There was no comment from the public.

Mr. Maxwell asked if the five inoperable vehicles condition is too limiting. Mr. Mendoza said that this was a concern expressed to Mr. Olson but noted that some of the cars will be stored inside for safety purposes and they can comply with the condition. Mr. Klein asked about waste storage. Mr. Mendoza indicated that there was enough waste storage on site. Mr. Olson added that there is a dumpster on-site and it is screened. Mr. Wright asked if Mr. Mendoza currently owns a vehicle service facility. Mr. Mendoza indicated he does not, but that he was representing Miguel Mendoza Sr., his father, who is a mechanic and will be the operator of the business. Mr. Wright asked about a trailer on the site that was referenced in the staff report. Mr. Mendoza stated that the trailer would most likely contain a race car used for promotional purposes and will be associated with the business. Chair Doe asked how the conditions would be enforced. Mr. Olson stated that if a violation is identified by a complaint or noticed by staff, the business would be sent a violation notice. Mr. Olson also said that there is a pylon sign that the business can also use for advertising.

Chair Doe gave the public one more opportunity speak. There was none, and the public hearing was closed.

Chair Doe asked if the Commissioners had any more questions or comments.

Ms. Barbe made a motion based upon the submitted petition and testimony presented to forward the findings of fact and recommend to the City Council approval of a Special Use Permit for a Vehicle Service Facility on the subject
site located at 1806 Sycamore Road per the conditions as indicated on Exhibit A of the staff report. Seconded by Mr. Klein.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Klein – yes, Mr. Maxwell – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Castro was absent.

F. REPORTS

Mr. Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, January 9th, however there are no public hearings scheduled. Mr. Olson also mentioned as a follow up to a past Commission question, the members do not have to renew their Open Meetings Act certifications each year, although a refresher course is encouraged when they get re-appointed.

G. ADJOURNMENT

Ms. Barbe motioned to adjourn, Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 7:30 pm.

Respectfully Submitted,

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on February 6, 2019.
TO: DeKalb Planning and Zoning Commission
FROM: Jo Ellen Charlton, Community Development Director
Dan Olson, Principal Planner
RE: Sketch Plan (Concept Plan) – 145 Fisk Ave.

I. GENERAL INFORMATION

A. Purpose
   Review of a Sketch Plan (Concept Plan)

B. Location/Size
   145 Fisk Ave./approx. 1.3 acres

C. Petitioner
   145 Fisk LLC – Contract Purchaser

D. Existing Zoning
   “NC” Neighborhood Commercial District

E. Existing Land Use
   Four Story Vacant Building

F. Proposed Land Use
   40-room Boutique Hotel and Associated Commercial Uses

G. Surrounding Zoning and Land Use
   North: RC-1 and MFR-1; Single-Family Residential and Middle School
   South: RC-1; Multi-Family Residential
   East: RC-1; Single-Family Residential
   West: RC-1; Multi-Family Residential

H. Comprehensive Plan Designation
   Medium Density Residential
II. BACKGROUND AND ANALYSIS

The subject site at 145 Fisk Ave. is zoned “NC” Neighborhood Commercial and currently contains a four-story, 24,000 sq. ft. building. A significant amount of interior demolition has occurred over the years and the building could be classified as a shell. The building was originally constructed in 1922 as St. Mary’s Hospital and was closed in 1965. The building was then used as a girl’s dormitory operated by Sisters of Mercy for short time and then was vacant from 1970 to 1973. From 1973-1992, the building was owned and used by School District 428 for administrative functions. In 1993 the property was sold and rezoned from the “MFR” Multi-Family Residential District to the “NC” Neighborhood Commercial District and a special use was approved for 12,000 sq. ft. of medical/dental offices, however those uses were never established. In 2006 the property was sold to the current owner, Midwest Estate Development LLC, with the intent to convert the building to luxury lofts, but that project never materialized.

The petitioner, 145 Fisk LLC, is the contract purchaser of the subject property and is proposing to develop a 40-room boutique hotel, a banquet facility and related commercial uses including food and beverage, possible rooftop uses and site improvements including parking, stormwater control and access to Sycamore Road and Fisk Ave. The ground level floor is planned for meeting rooms and food preparation and serving areas, while the upper three floors will be hotel rooms. If the project goes forward, the applicant will be requesting to rezone the property from the “NC” Neighborhood Commercial District to the PD-C Planned Development –Commercial District. The 2005 Comprehensive Plan recommends “Medium Density Residential” for the site. The applicant has provided documentation how they feel the project fits in with the goals of the City’s 2025 Strategic Plan.

The Unified Development Ordinance (UDO) allows for review by the Planning and Zoning Commission of a Sketch Plan (Concept Plan) for any project intending to rezone to the Planned Development District. The purpose of the Sketch Plan (Concept Plan) review is to allow the applicant to present and explain the proposed improvements and let the Planning and Zoning Commission and nearby property owners and residents ask questions and provide comments. There is no official action being requested from the Commission, just feedback regarding the proposal. If the project goes forward, the applicant will be required to submit a re-zoning application, development plans and other supporting documents to the City prior to any construction commencing on the property. A public hearing would also be required in front of the Commission who would forward a recommendation to the City Council for final action.

The City Council first discussed this project on a conceptual level at their July 9, 2018 meeting at the request of the applicant in order to determine whether there might be support for a Tax Increment Financing (TIF) incentive to assist in the redevelopment of the site to a boutique hotel with commercial amenities. Comments from the City Council at that meeting were generally supportive of the request.
On December 18, 2018, the City Council voted 5 to 2 to approve a Resolution authorizing a Preliminary Development Incentive Agreement for the renovation of the building to a boutique hotel and associated commercial uses. The Agreement secured TIF funding for the project contingent upon several items, including obtaining the necessary zoning and plan approvals to accommodate the proposed uses. The Agreement requires the applicant to submit preliminary (or final) plans, a zoning petition and the necessary supporting documents within 120 days of approval of the Agreement.

Site Plan/Architecture

The developer is intending to use most of the existing site conditions with their plan. An existing access on Sycamore Road is proposed to be removed and re-located further from N. 1st St. and made as a right-in/right-out access. The parking lot is proposed between Sycamore Road and the existing building, where previous parking was provided for past uses. The applicant is proposing to re-establish a 24-foot-wide access from Fisk Ave. along the west side of the building. Fisk Ave. currently operates as a one-way street running west to east, from N. 1st St. to N. 4th St. (Rt. 23). The applicant is also investigating the purchase of the home to the east of the building (201 Fisk Ave.) to allow for better access from Fisk Ave. and to accommodate some additional parking. The plans propose retaining the original masonry architecture of the building so that it appears unchanged when viewed from Fisk, while adding some modern amenities and improvements on the north side of the building.

A total of 54 parking spaces are indicated on the Concept Plan. For a hotel, the UDO requires one parking space for every room and one space for every employee on the maximum shift. For restaurants, one space is required for every three seats, plus one space for every employee on the maximum shift. At this time the applicant does not have a specific floor plan for the building so the number of employees and number of restaurant seats is unknown. Except in the Central Business District, development projects must provide all parking on the site or arrange to have parking on an adjacent site if within 300 feet. The applicants have expressed their intent to secure additional off-site parking, whether it be by agreement with Clinton Rosette Middle School across the street, by agreement with the City for access to on-street or public parking lots. They have also expressed an intent to further investigate valet parking as an option for restaurant patrons.

After a preliminary review of the Concept Plan, the following waivers to the UDO would be necessary if the project went forward:

- 50-foot buffer area adjacent to residential zoned property – Article 5.13.07(6). The UDO requires a 50-foot buffer between an area zoned PD-C and a residential zoned district. The areas to the east and west of the site are zoned RC-1. The Concept Plan shows parking/driveways between 1-5 five feet from the residential zoned areas to the east and west.
• 10-foot parking setback along Sycamore Road per Article 12.03(5). The UDO requires a 10-foot parking setback adjacent to any public roadway right-of-way. The Concept Plan indicates the parking adjacent to Sycamore Road as close as 4.25 feet.

• 5-foot parking setback along the east and west property line per Article 12.03(5). A 5-foot parking/paving setback is required for all interior lot lines. The proposed driveway along the west side of the building will be as close as one foot away from the west property line. Parking is proposed at 5 feet from the east property line.

• Landscaping requirements per Article 12.04. A landscape plan is not required as part of a Concept Plan review, however waivers will be required for landscape quantities due to the reduced setbacks noted.

The City Engineer has reviewed the Concept Plan. Major site design concerns were not identified. Preliminary and Final Engineering plans will be required, and will need to evaluate stormwater connections both on and off-site. Also, as part of the zoning application, the applicant will be required to complete a traffic study to determine what roadway and signal improvements will be required at both the 1st and Sycamore Road intersection, as well as the entrance to the north parking lot from Sycamore Road. The traffic study must also evaluate Fisk Avenue impacts

III. RECOMMENDATION

Review and provide comments to the applicant regarding the Sketch Plan (Concept Plan).
The beautiful 145 Fisk Avenue building, initially St. Mary’s church, was constructed in 1922 using a Gothic Revival theme for the purpose of serving the church’s mission of healing.

The structure was used as a hospital until 1965. Beginning in 1973, the DeKalb school district utilized the building until 1992. It has been vacant and unused since.

Sitting atop a solid foundation with masonry walls, the building remains solid. Local residents caught a vision of the building in 2016 and have since been seeking to establish a suitable use that will allow for it to display its unique beauty, history, and be restored in the community as a source of pride. The large windows and an expansive glass space allows for a bright, well-lit building that can radiate, but would be cost prohibitive to replicate today from the ground up.

Local residents and business community members desire to rehabilitate the structure to its original glory with modern amenities as a boutique hotel and meeting place that will drive consumers to DeKalb, Illinois.

Hotel Rooms are proposed to the upper three floors with the ground level being a meeting area with facilities to accommodate corporate, family, and other gatherings.

DeKalb’s history and small town charm despite a relatively large population will be accented by the local developer. The building will retain St Mary’s original masonry architecture while adding some modern pieces to meet the expectations of guests in 2019.

Developers plan to retain the original window sizes with modern energy efficient windows in order to keep its bright interior. The southern entry will remain, with a new entrance that will resemble the original so that historical significance is maintained. DeKalb’s agricultural roots and educational future will be incorporated. Accessibility and convenience have been addressed with modern elevators and entrance on the North. The North Entrance and parking facility will be professionally landscaped.

Masonry elements will be complimented with a new glass enclosure on the North side, in order to facilitate a lobby and common area. This will showcase the beauty of DeKalb’s historical district while inside the building.

A food service and a quaint event center will be available for corporate conferences and family events on the ground level.
Applicant: 145 Fisk LLC

Proposed Redevelopment of 145 Fisk Avenue

Applicant proposes to develop a blighted and abandoned building into a boutique hotel with ancillary amenities.

This project is preliminarily planned taking DeKalb’s 10-year Strategic Plan into consideration to:

I. To promote place-making in DeKalb’s downtown area.
   a. The historic St. Mary’s Hospital and it’s natural façade will be enhanced and preserved.
   b. Create a destination in DeKalb that will draw people to local merchants while strengthening local businesses, community pride, and property values.
   c. Providing an opportunity for a community based café meeting place and high quality lodging.

II. Bridge NIU, whenever feasible, to create a mutually beneficial environment.
   a. Providing internships for students seeking experience in the hospitality industry will be available.

III. Conserve, protect and enhance DeKalb’s natural and historical resources.
   a. Through sustainable building construction and subsequent sustainable operations.

IV. Develop and promote cultural, social, educational, and recreational activities that appeal to a wide range of interests and age groups.
   a. Developing high quality lodging and eatery options for the DeKalb community.
   b. Creating a destination for events for local and foreign citizens and local business community members throughout the region.
      i. The Hotel desires to partner with DeKalb to provide a place to hold events.
      ii. The Boutique hotel will provide great star accommodations for guests who visit DeKalb.
**Proposed Redevelopment**

The current site holds a historic building that holds valuable memories for the citizens of DeKalb. This building was previously known as St. Mary’s Hospital, a birthplace for many residents. It has been 40 years since this building has been of use to the city, and has now become a blighted area with boarded up windows and an unmaintained field of grass. The buildings masonry attributes would be financially impossible to replicate in commercial construction today. Applicant desires to retain the architectural history and beauty complimenting the Ellwood District.

**Project Description**

The Applicant is seeking a zoning map amendment to rezone Lot “A” of Parcel 08-23-103-027 located at 145 Fisk Ave. from a “Neighborhood Commercial” (NC) into a “Planned Development Commercial” (PD-C) zoning district. The proposed zoning map amendment would facilitate the development of an existing four story, 24,000 square foot shell of a building into a boutique hotel with amenities such as facilities for corporate and family retreats.

**Description of the Development**

The Applicant has proposed redevelopment of the four-story 24,000 gross square feet boutique hotel with luxury rooms on floors 2 through 4. The ground level floor is planned for utilitarian purposes such as meeting rooms and food preparation & serving areas. The net area of the development site is 62,253 square feet. The upper three floors will be hotel rooms for overnight corporate and family guests.

**Purpose and Need**

In order to retain the architectural integrity of the St Mary’s building along with its history, the applicant may need variances. Cars, Trucks, SUV’s as well as population growth and the development of neighboring properties since St Mary’s construction require the use of variances to make the project financially feasible and logistically possible in with modern engineering. The unique style and age of 145 Fisk present a need for greater consideration by the Planning and Zoning Board.

**Variances and waivers**

The Applicant may request variances as required by the nature of the site if conditions prevent meeting existing code. The Applicant is currently addressing plans based on engineering feedback and will seek to restrict variances only where limitations prevent compliance within existing code. The age of the St. Mary’s building, population growth, and transportation’s development since its building in 1922 may require variance requests. The Applicant is in discussions with adjacent property owners to minimize variance requests and provide for a well planned development. A preliminary site plan has been proposed showing that it is possible to provide 54 parking spaces with considerations to landscaping requirements. The Applicant desires to continue discussion with Planning and Engineering to facilitate landscaping and parking requirements through to a final engineered site plan that correlates with interior design elements and layout.

The preliminary site plan seeks to balance landscaping and parking while creating a destination entrance. As the interior layout is developed, we desire in depth communication with Planning to minimize variance requests and provide a well planned redevelopment. The Applicant may apply for the following variations based on the current preliminary site plan in order to accommodate the preliminarily proposed 54 parking spaces:

- 50-foot buffer area adjacent to residential zoned property – Article 5.13.07(6)
- 10-foot parking setback along Sycamore Road per Article 12.03(5)
- 5-foot parking setback along the west property line per Article 12.03(5)
- Landscaping requirements per Article 12.04.
145 Fisk Ave. and 201 Fisk Ave.
January 24, 2019

Dear Property Owner:

The DeKalb Planning and Zoning Commission will consider a request by 145 Fisk LLC represented by Nicholas Cronauer requesting a review of a Concept Plan (Sketch Plan) for a proposed 40-room boutique hotel and associated commercial uses at 145 Fisk Ave.

The DeKalb Planning and Zoning Commission will review the Concept Plan at its regular meeting on Wednesday, February 6, 2019 at 6:00 p.m. The meeting will be at the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. As a property owner within 250 feet of the above-mentioned property, you are encouraged to attend this meeting to learn about and comment on the proposal.

You may also submit written comments regarding the request on the enclosed comment sheet by mail to the address listed above, or by e-mail to dan.olson@cityofdekalb.com. All comments will be shared with the Commission. Also attached is an aerial photo of the site, Concept Plan, Architectural Rendering and a summary provided by the applicant.

If you have any questions about this request, please feel free to contact the Community Development Department at (815) 748-2361.

Sincerely,

Dan Olson
Principal Planner

Enclosures

CC: Mayor and City Council
City Manager
Planning and Zoning Commission
145 Fisk Ave. Concept Plan
Citizen Response Form

Owners Name: _____________________________________________________________

Property Address: ___________________________________________________________

Basic Input:

☐      I support the proposal.
☐      I support the proposal in general but would like to see specifics before I decide.
☐      I do not support the proposal.

Written Comments:
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City of DeKalb
Planning and Zoning Commission
Staff Report

DATE: February 1, 2019

TO: Planning and Zoning Commission Members

FROM: Jo Ellen Charlton, Community Development Director
       Dan Olson, Principal Planner

SUBJECT: Text Amendments to the Unified Development Ordinance

GENERAL INFORMATION:

At the December 5, 2018 Planning and Zoning Commission (PZC) meeting, the Commission discussed several proposed miscellaneous amendments to the Unified Development Ordinance (UDO). After the discussion with the PZC, staff prepared and published a public hearing notice for January 23rd. The PZC conducted a hearing on January 23rd and discussed the amendments and continued the hearing until February 6th so staff could do some additional research on the proposed changes.

The proposed changes are summarized below and on the following pages.

REVIEW AND ANALYSIS:

Article 7.06 - Fences

The current fence regulations in the UDO are not specific regarding which materials are acceptable. Fences are broken down between “Open Fence” (Min. - 50% open) and “Privacy Fence”. Regulations regarding maximum height and allowable locations for fences are based on the type of fence proposed. Barbed wire fencing is only allowed in the side and rear yards of sites zoned Industrial or if used to protect an electrical substation. The regulations also allow barbed wire fencing in the “GC” General Commercial District if approved by the City Council. The only other type of fence currently restricted is electrified fences, which is prohibited in all zoning districts. Staff is suggesting that a list of prohibited fence materials be expanded and added to the UDO. At the January 23rd PZC hearing, the Commission suggested the proposed language of Prohibited Fences: electrically charged, chicken wire, permanent snow or any other fence constructed
of materials not specifically manufactured for use as a fence or from used or discarded materials in disrepair be modified because it was too general and may be hard to enforce. The language was amended to be a little more specific and reads as follows: Prohibited Fences: electrically charged, chicken wire, permanent snow or any other fence constructed of materials from used or discarded materials including but not limited to corrugated metal, plywood or other type of sheet metal. Language was also added, per the Commission’s direction, to exempt underground electrical pet fences.

Finally, regulations regarding temporary fencing was added to allow them at construction sites, special events, temporary uses (as allowed in Article 14.07) and for public safety purposes as determined by the Chief Building Official.

Article 7.12 – Traffic Access and Impact Studies

The UDO regulations have requirements and criteria for when a traffic study must be conducted including a minimum threshold for peak hour trips. There are also other criteria listed that if met can trigger a traffic study. Staff is proposing language changes that require the City Engineer to approve traffic studies instead of the City Council. A reference to a requirement that the City have the latest copy of the Institute of Traffic Engineers (ITE) report entitled “Traffic Access and Impact Studies for Site Development” is proposed to be modified. This requirement should be the responsibility of the applicant of the development project.

At the January 23rd meeting, the PZC noted some concerns regarding the scope of traffic studies done in the past (e.g. traffic counts only done for one day). The existing language does call for the parameters of the traffic study to be discussed between the developer and City Engineer including the extent of the study (full study, partial study, etc.) the level of detailed analysis and the various techniques to be used. The language also requires the study to be conducted within industry guidelines. All traffic studies for developments are conducted by the developer and reviewed by our City Engineering at a cost paid for by the developer. I have relayed to the City Engineer the Commission’s concerns on the number of days traffic counts are conducted in studies and that issue will be looked at carefully in the future. Copies of all traffic studies are provided to the Commission with the City Engineer’s response and the Commission can consider the merits of the study in their recommendation. Because each site is different, putting specific traffic study requirements (e.g. number of days to be used for a traffic counts) in the UDO would not be appropriate and would not allow each site to be looked at based upon its unique characteristics.

Article 12.03(1) – Construction Requirements for Parking Lots and Driveways

The UDO standards currently allow Portland Cement Concrete or Bituminous Concrete (asphalt) for acceptable materials for parking lots and driveways. The staff has looked at alternate materials such as permeable paving (concrete pavers) on private property in various applications. Residents have requested to use this
material for their driveways/storage areas or for part of their driveways. Staff has worked with the City Engineer and have come up with language allowing such material. In single and two-family applications, its recommended that we would require 3” concrete pavers over a minimum of 4” of clean crushed stone base with an allowable additional 1” of fine setting material. This specification meets the parking requirements for “hard surface”, but also allows for water permeation and accommodates an eco-friendlier option. Standards regarding the color/tone of the pavers are also included in the language with discretion provided to the Community Development Director.

Additional standards apply for higher intensity multiple family and commercial uses, and owners required to meet stormwater requirements will have a choice to allow the benefits of permeable pavers to count toward their requirement if they meet certain engineering standards. Language is also included that does not allow the concrete pavers in the public right-of-way (parkway), which is the area between the curb and the sidewalk. This is because if the City ever had to do utility work in those areas, we would bear greater costs restoring the pavers.

An e-mail from resident and business owner Steve Irving was provided to the PZC for the January 23rd hearing. Mr. Irving requested that language be added to allow a grass strip in between areas of the paver blocks. The paver blocks would be at a width to cover the tires for vehicles. (see attached images provided by Mr. Irving in the packet). This request was discussed with the Commission during the January 23rd public hearing but due to the potential maintenance issues it was not supported by staff or the Commission.

During the hearing on January 23rd, Scott Schirmer of 744 Kimberly Drive spoke regarding allowing alternate materials for secondary parking/storage areas in residential districts based upon the size of the vehicle/boat/trailer/RV being stored. Mr. Schirmer suggested less stringent material standards than the ones proposed (3” concrete paver, 4” of crushed stone base and 1” of setting material) for secondary storage areas. The Commission directed staff to take a look at options for these secondary storage areas as suggested by Mr. Schirmer. We contacted Mr. Schirmer and requested more specifics regarding materials that he would recommend. He provided an e-mail dated 1-25-19 (provided in packet) outlining his suggestions and proposed 1”-2” thick concrete paver pads/stones being allowed to be placed directly on the ground with no stone base for lighter weight vehicles, boats, trailers, etc. He also suggested that the storage site (wheel contact points) and the transit routes have paver blocks/pads, but the areas in between be allowed to have pea gravel, crushed store or wood chips.

Staff reviewed the suggestions by Mr. Schirmer and our City Engineer has provided a response. Our City Engineer indicates the proposed specifications in the amendment (3” concrete paver, 4” of crushed stone base and 1” of setting material) are the minimum amount of materials needed to support a surface that will adequately support vehicles, trailers and RV’s.
The City Engineer has further noted the following regarding the lesser cross-section proposed by Mr. Schirmer:

- More appropriate for a patio or walking path supporting only foot traffic and some furniture.

- Although the loading would not be as repetitive as a primary drive aisle or vehicle parking, even lighter recreational equipment still produces a loading force well greater than what a patio is designed to withstand, particularly in the subsurface specifications.

- The lesser cross-section would be more apt to become disheveled/uneven even with the lesser loading conditions. It could be more vulnerable to “pumping” where the loading pressure results in the subbase dirt migrating up into the crushed stone/sand base layer and compromising its compaction, bearing capacity, and drainage characteristics.

- The lesser paver cross-section could be more prone to cracking and breaking apart. If loaded ideally/evenly, the paver could hold up, but disparities in forces across the thin pavers could easily overstress them to rupture. For instance, if a trailer wheel was focusing a load on a single paver or two that had inconsistent base support.

- A single paver standard, for all non-patio loading characteristics, provides certainty and consistency to uphold development standards for a neighborhood and the City’s permitting process.

In summary, having paver blocks less than 3” and not on a stone base will cause maintenance problems down the road. In addition, having City inspectors determining the size of a vehicle/boat/trailer/RV, etc. would be difficult and an enforcement challenge. In discussing with our inspectors, storage areas that have been constructed of the thinner paver blocks as suggested deteriorate over time, become uneven and eventually become a maintenance problem.

**Article 12.04 – Landscaping Requirements for Parking Lots Adjoining a Street**

In addition to the minimum number of trees and shrubs required in yards adjoining a street, the UDO also requires earth sculpting, berms, decorative screening, fences or walls in these yards to help buffer the parking lot. Staff is suggesting this requirement be modified so that in lieu of earth sculpting, berms, decorative screening, fences or walls that the frontage may be 100 percent screened with shrubs that reach a height of three feet at the time of maturity.
Article 13 – Signs

At the December 5th PZC meeting there was discussion regarding a U.S. Supreme Court case in Arizona from 2015 that clarified when municipalities may impose content-based restrictions on signage. The City of DeKalb’s current sign code includes some permitted regulations (e.g. prohibitions on locating private signs in the public right of way), but also includes content that is likely unconstitutional. For example, the sign code includes regulations applicable to church, school or public building signs that are different from those permitted for contractors, in all zoning districts. Political signs are regulated differently from project construction signs or directional signage. Temporary signs are regulated completely differently based on the type of advertisement being made.

Some miscellaneous amendments to the sign code were discussed by staff with the Commission on December 5th, however at this time we are not proposing any amendments until a comprehensive review is done. It is planned that the sign regulations will be discussed by the Committee of the Whole of the City Council in February. There is one small change to Article 13 and that relates to a proposed amendment to Article 18 regarding allowing a variance for off-site temporary signs. Current language in Article 13 prohibits variances for signs unless approved as a condition of a Special Use Permit or Planned Development Ordinance. The proposed amendment would allow for a variance to be applied for in the case of off-site temporary signs.

Article 16.03.01 Legislative Procedures

In the sub-article regarding Ordinance Interpretations and Variances, the references to the Board of Appeals is changed to the Planning and Zoning Commission. This amendment is related to the changes in Article 18.

Article 18 - Appeals and Variances

The Planning and Zoning Commission acts as the Board of Appeals in relation to variances and conducts hearings and makes final decisions as outlined in Chapter 21 “Combined Planning and Zoning Commission” of the Municipal Code and Article 16.02.01 of the UDO. The proposed amendments to Article 18 include changing the references from Board of Appeals to the Planning and Zoning Commission. The language changes also include replacing the Chief Building Official with Community Development Director regarding the appeals process outlined in the Article.

Amendments are also proposed to clarify the review and public hearing process for variances. Two additional criteria were added to the Findings of Fact for variances. In addition, language is also recommended to further clarify what variances can be applied for. The new language makes it clear that variances can be applied for cases including, but not limited to: permitting a yard, setback or landscape buffer of a lesser dimension that required in the regulations, to increase
the maximum height or site coverage in any district, to reduce the minimum lot area or width, to reduce parking requirements and to allow off-site temporary signage.

**RECOMMENDATION:**

**Sample Motion:**

Based on the submitted petition and testimony presented, I move that the Planning and Zoning Commission recommend to the City Council approval of text amendments to the following Articles of Chapter 23 “Unified Development Ordinance” of the Municipal Code: Article 7.06 to further restrict the type of fences allowed, Article 7.12 to change who authorizes traffic studies, Article 12.03 to allow alternative paving materials for parking lots and driveways, Article 12.04 to modify the landscaping and berming requirements for front yards, Article 13.02 to allow variations for off-site temporary signs, Article 16.03 to change the reference from Board of Appeals to Planning and Zoning Commission regarding appeals, and Article 18 to amend the regulations regarding the reference to the Board of Appeals, the appeals process and clarifying what variances can be applied for as shown on Exhibit A.
7.06 Fences

1. For the purposes of this section, there shall be the following types of fences:
   a. Open Fence: A fence in which the openings in the materials of which the fence is constructed represent more than fifty (50) percent of the area of the fence and which do not interfere with visibility, or the free passage of air, through the fence;
   b. Privacy Fence: All fences other than Open Fences.

2. In residential districts, open fences six (6) feet or less in height are permitted in the rear yard, and in the side yard behind the front of the principal structure. Except as provided for elsewhere in this Ordinance, open fences in non-residential districts shall not exceed four (4) feet in height in the front yard, but may be erected to any height anywhere else on a lot.

3. In residential districts, privacy fences six (6) feet or less in height are permitted in the rear yard and in the side yard behind the nearest front of the principal building on the lot, provided that said fence is located at least five (5) feet from any principal building on adjacent property. In commercial or industrial districts, privacy fences are also allowed in the front yard, but not closer to the street than the required building setback line, when providing screening required elsewhere in this Ordinance.

4. Through lots and corner lots with frontage on more than one street (2009-050):
   a. Through lots: On residential lots that are through lots (lots with frontage on one street and the rear yard having frontage on another street) the front and side fence placement shall comply with Article 7.06.2 or Article 7.06.3. The location of the rear yard fence may abut the property line unless the Plat of Subdivision specifically identifies a greater set-back from the property line. Prior to issuance of a Fence Permit, a Certified Plat of Survey must be submitted to the Building and Code Enforcement Division for review and approval.
   b. Corner lots with frontage on more than one street: On residential corner lots that have frontage on two or more streets, no privacy fences greater than thirty-six (36) inches in height or open fence greater than forty-eight (48) inches in height shall be permitted in the frontage yards (yards that front on the streets). The location of the side and rear yard fence shall comply with Article 7.06.02 or Article 7.06.3 unless the Plat of Subdivision specifically identifies a greater set-back from the property line. Prior to issuance of a Fence Permit, a Certified Plat of Survey must be submitted to the Building and Code Enforcement Division for review and approval.

5. The maximum height of an open fence in front of the front building line established by the principal structure shall be forty-eight (48) inches.

6. The maximum height of a privacy fence in front of the front building line established by the principal structure shall be thirty-six (36) inches, unless allowed elsewhere in this Article.

7. Fences may exceed the above stated maximum heights in a Planned Development, Commercial (PD-C) or any Industrial zoning district when approved as part of a landscaping plan, or as part of a buffering or screening requirement as may be provided for elsewhere in this Ordinance. Also, fences (or walls), used as a decorative feature and/or as a backdrop to an identification sign at subdivision, apartment, condominium or planned development entrances, may exceed the above stated maximum heights, if approved by the Community Development Director.

8. Barbed wire shall not be used to constitute any part of a fence in any zoning district except that part of a fence in a side or rear yard, which is at least six (6) feet above the grade, with the barbed wire attached to the fence above six (6) feet and at a 45 degree angle towards the interior of the property, and either:
a. is used to protect an electric power substation or transformer station;

b. is located in an "ORI" Office Research and Light Industrial, "LI" Light Industrial District or in an "HI" Heavy Industrial District, or in a “PD-I” Planned Development – Industrial District;

c. is located in a “GC” General Commercial District: except that the use of barbed wire in a “GC” General Commercial District, must be approved by the City Council after a report from the Community Development Director.

9. Fences may be placed at the property line, except no fence shall be erected along, parallel to or substantially parallel to and within five (5) feet of an adjoining property line unless the finished side of the fence faces the adjoining property. If a fence is erected with posts and supports, the side on which the posts and supports are most visible shall be considered the unfinished side. No fence shall be constructed in such a manner or location as to block any natural or planned stormwater conveyance system, nor shall any fence be constructed over or within a stormwater drainage easement.

10. All fences shall conform to the requirements of Section 7.10, “Sight Distance Triangle,” of this Article.

11. **Electrified fences are prohibited**

   **Prohibited Fences:** Electrically charged, chicken wire, permanent snow or any other fence constructed of materials from used or discarded materials including but not limited to corrugated metal, plywood or other type of sheet metal. An underground electrical pet fence is exempt from this prohibition.

11.12. **Temporary Fencing:** Temporary fencing is permitted for construction sites, special events, temporary uses pursuant to Article 14.07, and for public safety requirements as determined by the Chief Building Official.
7.12 Traffic Access and Impact Studies

7.12.01 Purpose and Intent

The regulations provided in this Section are necessary to assist developers, property owners and the City Council in making decisions regarding the traffic and transportation aspects of various land use, subdivision and site plan proposals. These regulations are also necessary to provide the City Council with a basis for estimating street and road improvement requirements attributable to a particular proposal.

7.12.02 Warrants for Studies

1. A traffic access and/or impact study may be required to be prepared or cause to be prepared by any person submitting a rezoning, special use permit, planned development, subdivision, annexation agreement, building permit or occupancy permit application where, in the opinion of the City Council after receiving a recommendation from the Public Works Director, the likely resultant development will generate one hundred (100) or more new peak direction trips to or from the subject property during the adjacent street's peak hours or the development's peak hour. This opinion shall be based on a submittal from the applicant establishing the average trip generation rates published by the Institute of Traffic Engineers (ITE) in their most recent trip generation manual or in any locally published traffic and trip generation data report. (2017-044)

2. In the event that the estimated trips will fall below the one hundred (100) level, the City Council after receiving a recommendation from the Public Works Director, may still require the preparation of a traffic access and/or impact study if, in their opinion:
   a. There exist any current traffic problems in the local area, such as a high accident location, confusing intersection or an intersection in need of a traffic signal;
   b. The adjacent street system's current or projected level of service will be significantly affected;
   c. The site's accesses are in such a location that their proximity to other accesses, drives, intersections, etc. will likely cause significant traffic congestion or hazard potential;
   d. There exists other specific problems, deficiencies, neighborhood sensitivities, etc. that may be affected by the proposed development or affect the ability of the development's traffic to be satisfactorily accommodated.

2. The City Council after receiving a recommendation from the Public Works Director, may waive the requirement for a traffic access and/or impact study if, in their opinion, there exists a previously conducted study that adequately addresses the traffic concerns of the area, or there exists adequate physical facilities to accommodate the projected level of traffic. (2017-044)

7.12.03 Procedures

1. The study shall be prepared by any person with demonstrated experience in conducting traffic studies. The study shall be prepared in accordance with the guidelines and recommendations found in the most recent version of the ITE's report entitled, "Traffic Access and Impact Studies for Site Development," or other mutually acceptable report or guideline. Said ITE report is available in the Public Works Department. (2017-044)

2. The study preparer shall discuss the parameters under which the traffic access or impact study will be conducted with the Public Works Director/City Engineer. These parameters include, but are not limited to, the size of the study area, the extent of the study (a full study, partial study, etc.), the level of detailed analysis, various techniques that are to be used, etc. (2017-044)
3. The study shall be submitted along with the documentation required for the rezoning, special use permit, planned development, subdivision, annexation agreement, building permit, or occupancy permit applications. The Public Works Director/City Engineer shall review and report on the study and its recommendations within the time period prescribed for reviewing the above-mentioned applications. (2017-044)

4. Where said applications require Planning and Zoning Commission or City Council approval, then the traffic study, its recommendations and a report and recommendations from the Director of Public Works/City Engineer shall be forwarded to the Planning and Zoning Commission or City Council for their review and recommendations. Where the report's or Staff's recommendation identifies the need for street widening, traffic light improvements, right-of-way increases, etc., then the Planning and Zoning Commission shall recommend and the City Council shall decide whether such widening, improvements, increases, etc. are necessary; and if so, whether the costs associated with them shall be borne solely by the applicant, by the City or by a combination of the applicant and the City.
12.03 Design and Locational Requirements

1. **Construction Requirements – Commercial/Industrial/Multi-Unit Residential (excluding townhome units with individual direct access to the street):** Loading areas, parking lots, driveways, access ways and any other areas on which motor vehicles are parked or stored, or which are used for motor vehicle circulation, or used for the storage or parking of any other vehicle and/or trailer, shall be constructed with either Portland cement concrete or bituminous concrete, or concrete pavers, which materials shall conform to the specifications (if applicable) contained in the most recent edition of the Standard Specifications for Road and Bridge Construction, adopted by the Illinois Department of Transportation. The above materials shall meet the following minimum requirements:

   - **Portland Cement Concrete:** Six (6) inches thick of PCC pavement, over six (6) inches of gravel or crushed stone base (CA-6).
   - **Bituminous Aggregate Mixture:** Six (6) inches thick.
   - **Bituminous Concrete:** Eight (8) inches of gravel or crushed stone base (CA-6) with two (2) and one-half (2-1/2) inches of bituminous concrete surface, over eight (8) inches of gravel or crushed stone base (CA-6).
   - **Concrete Paver:** Three (3) inch unit depth, over a minimum of eight (8) inches of clean crushed stone base with an allowable additional two (2) inches of fine setting material. Concrete Pavers shall not be located in the public right-of-way.

   a. **Aesthetic Design of Concrete Pavers**

      Paver color/tone shall be traditional ranges of red, gray, or brown and should coordinate with adjacent streetscaping; unless approved in writing by the Community Development Director.

   b. **Permeable Design of Concrete Paver**

      1) Permeability of design is not required in order to allow paver use in general. However, if storm water runoff reduction is desired, the design/construction shall meet the following requirements.

      a. Permeable pavers can be used where the underlying in-situ subsoils have an infiltration rate of 0.5-3.0 inches per hour; underdrains and pipe discharges may be provided to achieve suitable hydrologic site conditions.

      b. Permeable pavers will be used in applications where the pavement receives tributary runoff primarily from impermeable areas. The ratio of the contributing impermeable area to the permeable paver surface area should be no greater than 3:1.

      c. A minimum of two (2) feet of clearance is required between the bottom of the base course and underlying bedrock or the seasonally high groundwater table.

      d. Permeable pavers should be sited at least ten (10) feet down gradient from buildings and 100 feet away from drinking water wells.

      e. The stone aggregate used should be washed, crushed stone, 0.75-1.0 inches in diameter with a void space of about 40 percent. A porosity value (void space/total volume) of 0.32 should be used in calculations.
f. The base course must have a minimum depth of eight (8) inches. The following equation can be used to determine if the depth of the base course layer needs to be greater than the minimum depth to accommodate hydrologic storage.

\[
\frac{V}{D} = \frac{A}{Nn}
\]

Where:
- \(D\) = Base Layer Depth (feet)
- \(V\) = Total Volume to be Infiltrated
- \(A\) = Surface Area (square feet)
- \(N\) = Porosity (use \(n = 0.32\))

g. For permeable paver applications, the large size of the No. 57 aggregates creates an uneven surface when compacted. To provide a smooth and level surface for the placement of the pavers, a bedding course of ASTM No. 8 crushed aggregate is placed and compacted into the No. 57 open-graded base. The thickness of the No. 8 bedding layer should not exceed two (2) inches prior to compaction.

h. All of the materials need to be clean, washed material with less than 1-2% passing the No. 200 sieve.

2. Construction Requirements – Single Family and Two Family Structures in Single Family and Two Family Residential Districts: Driveways, access ways and any other areas on which motor vehicles are parked or stored, or the storage or parking of any other vehicle and/or trailer, shall be constructed of either Portland Cement Concrete, Bituminous Concrete, or Concrete Pavers, which materials shall conform to the specifications (if applicable) contained in the most recent edition of the Standard Specifications for Road and Bridge Construction, adopted by the Illinois Department of Transportation. The above materials shall meet the following minimum requirements:

- **Portland Cement Concrete**: Four (4) inches of PCC pavement, over six (6) inches of gravel or crushed stone base (CA-6).
- **Bituminous Concrete**: Two (2) inches of bituminous concrete surface, over six (6) inches of gravel or crushed stone base (CA-6).
- **Concrete Paver**: Three (3) inch unit depth, over a minimum of four (4) inches of clean crushed stone base with an allowable additional one (1) inch of fine setting material. Concrete Pavers shall not be located in the public right-of-way.

a. Aesthetic Design of Concrete Pavers

Paver color/tone shall be traditional ranges of red, gray, or brown and should coordinate with adjacent streetscaping; unless approved in writing by the Community Development Director.

b. Permeable design encouraged but is not considered for individual stormwater runoff parcel impacts.

2.3. Vehicular Access and Circulation:

a. An off-street parking, loading or storage facility shall be provided with an appropriate means of vehicular access (conforming to Chapter 6 of the Municipal Code of the City of DeKalb) to an improved street or alley which will least interfere with traffic and pedestrian movements. Such facilities shall be designed to avoid motor vehicles backing onto or into streets, alleys or
sidewalks. Existing curb cuts, curb cut radii and driveways across public right-of-way shall only be used if they comply with the applicable standards for new curb cuts, curb cut radii and driveways.

b. Such facilities shall be so designed, maintained and regulated so that no parking (including parking or stopping of vehicles in loading spaces) or maneuvering incidental to parking shall be on any public street, walk or alley.

c. The location of any entrance or exit for any off-street parking area shall be as approved by the City Engineer or his/her designee.

d. All parking lots shall be striped and marked to provide a visible indicator of the most effective way of parking and moving all vehicles. All striping and marking shall be approved by the City Engineer or his/her designee.

e. Vehicular traffic to, from and within an off-street parking or loading area shall be controlled by appropriate traffic control signs, surface markings and curb islands. All parking areas which will, in the opinion of the City Engineer or his/her designee, generate a high volume of traffic movement shall have its entrances clearly marked and designated as to direction of traffic flow or other conditions of use of the access driveway by the use of low-profile signs. Such signs shall not exceed five (5) feet in height, nor six (6) square feet in area in commercially zoned areas or six (6) feet in height, nor twelve (12) square feet in area in industrially zoned areas (1993-070). Such signs shall be placed on private property outside the public right-of-way. There shall not be more than two (2) such signs for each entrance or exit. Such parking areas may also necessitate the preparation of a traffic access and impact study as provided for in Section 7.12, Article 7, "Supplementary District Regulations."

3.4. Drainage: Proper drainage and grading shall be provided for all parking lots to dispose of all runoff water. In no case shall drainage be allowed to drain across any public sidewalk within a public right-of-way. For any parking area in excess of five (5) spaces or any loading area in excess of 2,500 square feet, all runoff water shall be discharged via an appropriate storm sewer or other approved drainage system. All storm drainage facilities shall be designed using the "Rational Method" for a storm of a minimum of a ten (10) year frequency. Storm sewer calculations shall accompany all systems designs in excess of the above noted minimum parking or loading area and shall be in accordance with Article 11, "Floodways, Floodplains, Storm drainage and Erosion."

4.5. Location of Parking Facilities: Location of required off-street parking shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant, except as provided for in paragraph "b" below. In the event that there are practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the Council may authorize an alternate location by ordinance through approval of a plat, plan, special use permit, rezoning or other formal action. If parking is to be located elsewhere than on the lot which the principal use is located, then the "off-site" property occupied as parking shall be in the same possession (either by deed or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility) as the owner of the principal use. Furthermore, the owner of property used for off-site parking shall be bound by covenants filed on record in the Office of the County Recorder, requiring the owners, heirs or assigns to maintain the required number of off-street parking spaces during the existence of such principal use utilizing the property for parking.

a. For residential dwelling units, community residences, fraternities and sororities, group homes, lodging houses and rooming houses, parking shall be provided on the same lot with the building they are required to serve. For the purpose of this requirement, a group of those uses constructed and maintained under single ownership or management shall be considered to be on a single lot or parcel of land;
b. For all other uses, parking shall be provided on the same lot or parcel of land as the building they are required to serve, or on a separate lot or parcel of land not more than three hundred (300) feet from the nearest entrance to the principal building being served, provided the lot or parcel of land is located in a zoning district that allows the parking lot, either as a permitted or special use, and otherwise in compliance with this Ordinance.

5.6. Setbacks of Parking Facilities:

a. Notwithstanding other requirements of this Ordinance, and except for parking associated with single-family and two-family residential districts, all parking areas and driveways may be located in a required front yard, side yard or rear yard provided that a minimum five (5) foot setback be maintained between the parking area and the property lines, and a minimum ten (10) feet setback shall be maintained between the parking area and the street right-of-way line. The interior boundary of such parking area setback shall be defined with six (6) inch concrete curbing or other curbing material approved by the City Engineer. However, in no instance shall a parking lot be located in a required buffer area.

1) Exception: Where the proposed parking area will be located within the side yard or front yard adjacent to a similarly zoned property and where internal access will be provided between the two properties, the five (5) foot side-yard setback requirement shall not apply.

2) Exception within the “CBD,” Central Business District: Where the proposed parking area is on property zoned “CBD” Central Business District, the setback may be reduced in width in accordance with Article 12.04, paragraph 5, and if, in the opinion of the City Engineer, the parking lot is designed so that no portion of any vehicle, when parked, will project across adjacent property or into adjacent public rights-of-way.

b. No loading space or vehicle storage areas shall be closer than fifty (50) feet to any property in a residential district unless said space is completely enclosed by a building or separated from the adjacent property by a building, or an extension of the building wall. No loading space or vehicle storage area shall be located within any area where parking is prohibited by this Ordinance.

c. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer or similar vehicle shall be permitted to be parked anywhere on the lot unless said vehicle is parked upon a driveway. Said driveway and its use shall conform to all of the following standards:

1) The driveway shall not be wider than forty (40) percent of the width of the lot on which the driveway is located or thirty-six (36) feet, whichever is less;

2) The driveway shall not cover more than forty (40) percent of the required front yard setback area;

3) The driveway shall be constructed with materials as provided for in Article 12.03, paragraph 1 of this Ordinance;

4) The driveway shall access an adjacent street with an appropriate curb cut as determined by the City Engineer or his/her designee;

5) In all instances, no vehicle shall park so as to have any portion of said vehicle located within five (5) feet of an adjacent street right-of-way; and

6) In all instances, no vehicle shall park so as to reduce the open width of any driveway giving access to a building containing more than two (2) dwelling units or in a structure that requires a rooming house license which restricts traffic flow to less than fourteen (14) feet.
d. Within the residential zoning districts, no motor vehicle, recreational vehicle, camper, trailer, or similar vehicle may be stored anywhere on the lot unless stored inside an enclosed building or on an approved surface constructed of materials in compliance with Article 12.03, paragraph 1, of this Ordinance. Further access shall be provided to this storage area via an approved driveway constructed of an approved surface constructed of materials in compliance with Article 12.03, paragraph 1, of this Ordinance. No such vehicle shall be stored in a front yard.

For the purposes of this Article, “stored” shall mean “parked” without being moved for a period of thirty days or more. This Article shall apply regardless of whether the vehicle is licensed, unlicensed, operable or inoperable.

6.7. **Compact Vehicle Parking Space Allowance:** For multiple family developments (including rooming houses, fraternities, sororities and dormitories), off-street parking spaces shall conform to the size required for full-sized vehicles (see Section 12.06 of this Article). However, not more than twenty-five (25) percent of the spaces for vehicles may be reduced in size for compact vehicles, provided that, in as much as possible, such smaller spaces are located in a single contiguous area that is clearly marked as being for small or compact vehicles only. These compact parking spaces shall be no less than seven (7) feet, six (6) inches wide (for all space angles) and an equivalent perpendicular depth of seventeen (17) feet. Aisle widths shall be in accordance with the specifications contained in Section 12.06 of this Article.

7.8. **Lighting Requirements:** See Article 10, “Utilities,” Section 10.05.
12.04 Landscape Requirements

It is the purpose and intent of these regulations to provide adequate protection for contiguous property against undesirable effects caused by the creation and operation of parking and loading areas, and to protect and preserve the appearance and character of the surrounding neighborhoods through the screening effects and aesthetic qualities of such landscaping, and to provide shade for parking and to visually and physically break up major expanses of asphalt into a more human scale. As such, all parking and loading areas for any uses other than single family homes (attached or detached) or duplexes, constructed after the date of this Ordinance, shall be properly screened and landscaped as hereinafter described.

1. Definitions: For purposes of this Ordinance, landscaping shall mean living green plants in combination of trees and either shrubs or ground cover, all of which are defined as follows:

   a. Deciduous trees having, at the time of planting, not less than a two and one-half (2-1/2) inch caliper measured on the trunk six (6) inches above the ground;

   b. Ornamental trees having, at the time of planting, not less than one and one-half (1-1/2) inch caliper measured on the trunk six (6) inches above the ground;

   c. Evergreen trees having, at the time of planting, a height of not less than four (4) feet;

   d. Shrubs having, at the time of planting, a height of not less than two (2) feet;

   e. Ground cover which includes grass, ivy, juniper, wood mulch, decorative or aggregate rock, or other approved pervious surfaces.

2. All parking lots, loading, storage and maneuvering areas for any uses other than single family homes (attached or detached) or duplexes shall comply with these regulations. These landscaping regulations shall apply to single family or two-family homes located in other than a residential zoning district, if the property is also occupied by another principal use otherwise required to comply with these regulations.

   a. Landscape Plan Required: The engineered site plan (required per Article 17) and/or Planned Development plan for any parking lot required to include landscaping as provided herein, shall also include a landscape plan. The landscape plan is subject to the approval of the Community Development Director. The landscape plan shall be prepared by a State of Illinois Registered Landscape Architect, Landscaping Design/Build firm or similar Landscape Professional, and shall include the following:

      1) The plan shall be based upon engineered site plan and shall be prepared at the same scale as the site plan.

      2) The plan shall show the location and dimensions of all existing vegetation, existing and proposed structures, parking lots, drives, loading storage and maneuverings areas, roadways and right of way, sidewalks, bike paths, signs, refuse disposal areas, easements, locations of underground utilities (existing and proposed), locations of easements, and all other information otherwise required on the engineered site plan.

      3) The location and square footage of all landscaped areas, the type of ground cover, the location, quantity, size, root ball condition (B/B or potted) and type, both scientific and common name of all proposed plant materials, ground covers, trees, shrubs and other.
4) Location of all existing landscaping materials proposed to be conserved and details of protection for those materials during the construction process.

5) Cross sections, locations and details of all grade changes, such as berms, including proposed contours at one-foot intervals and percent of slope;

6) Selection, planting and installation specifications complying with the American Association of Nurserymen’s standards, with plant species and materials of a good quality and capable of thriving in the north central Illinois climate and the individual microclimates of the site. Salt tolerance for parking lot landscaping materials is imperative.

7) Details and location of irrigation system controls, connections, lines, sprinkler or soaker heads, etc., designed in such a way so as to avoid conflicts with other utilities and to avoid future maintenance problems either with the landscaping, the irrigation system itself, or other site improvements.

b. Pedestrian Areas: Parking lot landscaped areas which are expected to receive high levels of pedestrian traffic shall be improved with stepping stones, sidewalks, or appropriate pedestrian improvements to minimize maintenance problems and to create safe havens for pedestrians, subject to the approval of the Community Development Director. Such areas would include the landscaped islands between the parking lot and the major entry or entries to the building. Such areas shall not be covered with mulch, decorative rock or gravel. Further, these areas shall not be allowed where the intent of creating such areas would otherwise circumvent the intent of this Ordinance. Therefore, any areas consisting strictly of an impervious cover shall not count toward the required parking lot landscaping. However, such areas will count if improved with appropriate ground covers and other landscaping, in addition to the pedestrian use areas.

c. Conflict with Utility Easements: All parking lot landscaping required herein shall be provided in areas where it shall not conflict with any utility easements. In cases where the proposed landscaping conflicts with an existing or proposed utility easement, the requirements of this Ordinance shall not be waived. Options in such instances would include relocation of the easement, and/or expansion of the proposed landscaping area, either of which is subject to the approval of the Community Development Director.

d. Waiver: The Community Development Director may waive the requirement for a Landscape Professional’s plan in instances where the engineered site plan is not required, or in instances where the parking lot contains thirty (30) or fewer parking stalls. This does not waive the requirement to prepare a plan, nor does it waive the requirement to install the landscaping.

3. Landscaping Requirements Adjacent to Streets. Where any parking lot lies adjacent to or is visible from any public or private street, the entire frontage along said parking or loading area, excluding curb cuts or other access ways shall be landscaped and screened as follows:

a. One (1) tree and four (4) shrubs shall be planted for every thirty (30) feet of frontage to be located within a strip of land paralleling the adjacent street and having a width of not less than ten (10) feet. Trees do not have to be placed thirty (30) feet on-center (except see Article 6, Section 6.02, “South Annie Glidden Road Corridor Overlay District”). Strategic grouping of trees and shrubs is encouraged.

b. The landscaped strip of land paralleling the adjacent street shall be located on private property. The City Engineer and/or the official of the public agency having jurisdiction may permit this landscaped area to occur within the public right-of-way if it can be satisfactorily demonstrated that no reasonable alternative exists for its location on private property.

c. This landscaped strip shall not be substantially impeded by utility easements or other encroachments which would negatively affect the intent of this Article. If existing easements would negatively affect the intent of this Article, said landscaped strip shall be located between
the parking area and the right of way in such a manner as to fulfill the intent of this Article, which shall be subject to the approval of the Community Development Director.

d. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.

e. In addition to the required number of trees and shrubs earth sculpting, berms, or decorative screening fences or walls shall be installed on private property along the frontage of the adjacent street to a height of not less than three (3) feet above the grade of the parking area and, in the opinion of the Community Development Director, are designed to effectively screen the parking area yet avoid erosion, drainage, maintenance or visibility problems. **In lieu of earth sculpting, berms or decorative screening, fences or walls, the frontage may be 100 percent screened with shrubs that reach a height of three (3) feet at the time of maturity.**

f. No landscaping, hedge, wall, fence or berm that exceeds twenty-four (24) inches in height shall be located within ten (10) feet of any driveway opening nor otherwise located so as to interfere with the visibility of vehicles or pedestrians (see Article 7, “Supplementary District Regulations”).

4. **Landscaping Requirements for Side and Rear Yards:** When any vehicle parking lot, storage or loading area is adjacent to a side or rear yard and landscaping is not otherwise required pursuant to Article 7, the side or rear yard setback area shall be landscaped as follows:

   a. A minimum of one (1) tree and four (4) shrubs shall be planted for every thirty (30) lineal feet of yard located parallel to and adjacent to the property line. Trees do not have to be placed thirty (30) feet on-center. Trees shall include an equal mix of deciduous, decorative and evergreen varieties. Strategic grouping of trees and shrubs is encouraged.

   b. A berm with a minimum height of three feet may be included as part of the landscaping requirement, in lieu of the shrubs, provided the berm is designed with side slopes not exceeding 3:1 and will not create any drainage or maintenance problems. Said berm shall be finished in an appropriate live ground cover.

   c. **Alternative Option:** A continuous hedgerow with a minimum height of 3 feet at the time of planting, consisting of evergreen species with dense vegetation, so as to effectively provide a continuous screen of the area.

   d. **Exception:** This requirement shall not apply when the side yard setback is waived per paragraph 5 a (1), above.

5. **Landscaping Requirements for Interior Areas.** Any parking lot having sixty (60) or more parking spaces shall be further landscaped as follows:

   a. A minimum of twenty (20) square feet of interior landscaped areas shall be provided for each parking space. The landscaping shall be in one or more areas so as to break up the apparent expanse of the parking area, and so far as practicable, in such a way so as no aisle contains more than twenty (20) parking stalls without including a landscaped island In order to qualify as an interior landscaped area, said area shall be located wholly within or projecting inward from the boundaries of the parking area. The setback area landscaping, as provided in Sections 2 and 3, above, shall not qualify as an interior landscaped area, regardless of its width or depth.

   b. Individual interior landscaped areas shall have a minimum area of fifty (50) square feet and a minimum width of nine (9) feet. One (1) tree shall be planted for every four hundred (400) square feet of the aggregate total of all interior landscaped areas. Trees shall be evenly spaced whenever possible.
c. A maximum of fifty (50) percent of the required number of trees may consist of a mix of ornamental and evergreen trees.

6. **Additional Requirements for Large Parking Lots:** When any parking lot contains three hundred (300) or more parking stalls, or exceeds the minimum parking required by the UDO by thirty (30) percent or more, the following additional landscaping requirements shall apply:

a. The minimum size standards for all trees shall be increased as follows:

1) Deciduous trees shall be not less than three and one-half (3-1/2) inches caliper;

2) Decorative trees shall be not less than two and one-half (2-1/2) inches caliper;

3) Evergreen trees shall be not less than six (6) feet in height.

b. In addition to the interior landscaping required in paragraph 3, above, there shall be one landscaped strip, located between parking rows and parallel to the primary driving aisles, and running the length of the parking row, for each four (4) rows of parking or fraction thereof. For the purposes of this paragraph, one parking row shall include one driving aisle with parking stalls on one or both sides. These landscaped strips shall meet the following criteria:

1) The landscaped strip shall have a minimum width of ten (10) feet

2) The strips shall be located along the longest rows of parking, and if possible in such a way so as to frame the primary entrance(s) to the building;

3) The strips shall be landscaped with a ground cover, and shall include one deciduous tree with a minimum caliper of three and one-half (3-1/2) inches for each thirty (30) feet in length, or portion thereof;

4) The landscaped strips may include sidewalks or walkways, subject to the approval of the Community Development Director, and provided that the intent of these areas to provide additional landscaping is not circumvented;

5) No part of the landscaped strips shall be included as part of the required interior or perimeter parking lot landscaping

6) For parking lots exceeding the minimum parking standards of the UDO by thirty (30) percent or more, the interior landscaping shall be increased to thirty (30) square feet per parking stall, not including the perimeter landscaping or the landscaped strips required above, for each stall that exceeds the UDO minimum requirements.

7. **Landscaping Requirements for Parking Lots Adjacent to Residentially Zoned Property.** See Section 7.05, Article 7, “Supplemental District Regulations.”

8. **Exception in “CBD,” Central Business District:** Where a proposed parking lot is located on property zoned “CBD,” Central Business District, the location and minimum dimensions of the required parking lot landscaping areas, whether perimeter or interior, may be adjusted and/or relocated to any combination of perimeter and/or interior landscaped areas, provided that the cumulative landscaped area and number of trees and plants is equivalent to what would otherwise be required, and the required landscaping is still located within or around the parking area(s). (1996-042).

9. **Landscaping requirements for loading and storage areas, and all other vehicular use areas:** In order to minimize the effect of large expanses of asphalt, all loading, storage, and vehicle maneuvering or other use areas not otherwise required to provide interior landscaping shall comply with the following:
a. One tree shall be provided for each two thousand five hundred (2,500) square feet of such area;

b. Fifty (50) square feet of landscaped area shall be provided for each two thousand five hundred (2,500) square feet of such area;

c. The landscaped area and trees are in addition to the other landscaping required on the site, and shall not be expected to be located within the vehicle maneuvering areas, but rather, shall be located along the periphery of such areas or elsewhere on the site.

10. **Maintenance of Landscaping and Screening:** All landscaping and screening shall be installed and permanently maintained as follows:

a. All new landscaped areas shall be installed within six (6) months after the occupancy or use of the building or premises. Dead plant materials shall be replaced in a timely fashion with living plant material, taking into consideration the season of the year, and shall have at least the same quantity and quality of landscaping as initially approved.

b. All landscaping and screening shall be maintained in a healthy, neat, trimmed, clean and weed-free condition. Landscaped areas shall be covered with either grass and/or other types of pervious ground cover located beneath and surrounding the trees and shrubs.

c. Landscaped areas within and immediately adjacent to an off-street parking or loading area shall be protected from the encroachment of motor vehicles by placing, along the entire perimeter of the landscaped area, a six (6) inch concrete curb or other curbing material approved by the City Engineer and/or designee.

11. **Exception for residential uses:** No landscaping shall be required for any single family or two-family residence located within a residential zoning district, regardless of the number of parking spaces, storage areas or loading areas. Said exception shall not apply if the dwelling is not the principal use of the property.

12. **Exception for industrial and commercial uses:** These landscaping requirements shall not apply to existing parking lots for industrial or commercial properties which were legal at the time the parking areas were constructed, nor shall the new requirements set forth in this amendatory ordinance of 2002 apply to any Planned Development - Commercial or - Industrial which has an approved Preliminary Plan prior to the effective date of this amendatory ordinance of 2003. However, the new requirements shall apply to any expansion or redevelopment of any parking lots for said uses, and/or any formal amendments to an approved Preliminary Plan to the degree that compliance is possible. In the case where compliance with specific terms is not possible, the equivalent quantity of landscaping may be required to be placed elsewhere on the property. The Community Development Director shall have the ultimate determination of the degree of compliance that is possible.
13.02.05 Permits

1. Unless accepted by this Article, no sign shall be erected, constructed, posted, painted, altered or relocated until a Sign Permit has been issued by the Community Development Director or his/her designee. All illuminated signs shall require a separate electrical permit and inspection in accordance with Chapter 25, “Electrical Regulations,” of the DeKalb Municipal Code.


3. Application for a sign permit shall be made upon forms provided by the Community Development Director and shall contain or have attached thereto the following information:
   a. Name, address and telephone number of the applicant.
   b. Location of building, structure or lot to which, or upon which, the sign or other advertising structure is to be attached or erected.
   c. Position the sign or advertising structure in relation to adjacent property and/or buildings or structures.
   d. Two blueprints or ink drawings to scale of the plans and specifications and method of construction, attachment to the building or other structure or placement in the ground.
   e. Name of person or company intending to erect the sign.
   f. Such other information as the Community Development Director shall require showing full compliance with this Article and any of the Ordinances of the City.

4. Permit Issued if Application in Order: It shall be the duty of the Community Development Director, upon the filing of an application for a sign permit, to examine such plans, specifications and other data, and the premises upon which it is proposed to erect the sign. If the proposed sign complies with the requirements of this Article and if the appropriate permit fee has been paid, a sign permit shall be issued.

5. Revocation of Permit: Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work, or of obtaining the permit. Upon the termination or revocation of the permit, or upon discovery of a sign being improperly installed, the permittee shall remove the sign and supports without cost or expense of any kind to the City, provided that in the event of the failure, neglect or refusal on the part of the permittee to do so, the City may proceed to remove the same and charge the expenses to the permittee.

13.02.06 Variations Prohibited

No variance from and/or waiver of any provision(s) of this Article shall be permitted, except as a condition of a Special Use Permit or a Planned Development Ordinance approved by the City Council. No provision of this Article is subject to a variation request pursuant to Article 18 of this Ordinance, except as provided in Article 18.03.03(3).

13.02.07 Enforcement

Enforcement of the provisions of this Article 13 shall be as provided in Article 16.04 of the Unified Development Ordinance, with the following additional provisions:
16.03.01 Legislative Procedures

1. **Amendments**: In considering proposed changes in the text of this Ordinance or in the official Zoning District Map, the City Council acts in its legislative capacity and must proceed in accordance with the requirement of Article 20, “Amendments.”

2. **Ordinance Interpretations and Variances**:
   
a. In accordance with *Illinois Compiled Statutes*, the Board of Appeals Planning and Zoning Commission has been delegated the authority to hear and decide appeals from decisions made by the City Manager Community Development Director or his/her designees. The City Council does not have jurisdiction on interpretation of this Ordinance, except as provided for in paragraph “c” below.

b. The City Council delegates its authority to grant variances, except as provided for in paragraph “c” below, from the provisions of this Ordinance to the Board of Appeals Planning and Zoning Commission in accordance with the requirements of Article 18, “Appeals and Variances.”

c. The City Council reserves to itself the authority to grant variances from the provisions of Article 9, “Streets, Sidewalks and Subdivision Design,” and Article 10, “Utilities,” and Article 11, “Floodways, Floodplains, Stormdrainage, and Erosion,” in accordance with the provisions contained in said Articles.
ARTICLE 18

APPEALS AND VARIANCES

18.01 Board of AppealsPlanning and Zoning Commission

The Board of AppealsPlanning and Zoning Commission has been duly established by the City Council of DeKalb, Illinois, as set forth in Chapter 21 of the DeKalb Municipal Code. Except as provided for in Article 16, “Administration and Enforcement,” the Board of AppealsPlanning and Zoning Commission is authorized to take action on appeals and variances with regard to this Ordinance and other applicable Illinois State Statutes. Rules and procedures governing the conduct of the Board Commission are contained in its adopted bylaws and as may be amended from time to time.

18.02 Appeals

An appeal may be taken to the Board of AppealsPlanning and Zoning Commission by any person aggrieved, or by an officer, department, board or commission of the City affected by a decision of the Chief Building OfficialCommunity Development Director or designee or other City staff member relative to this Ordinance. Such appeal shall be taken within forty-five (45) days of the action complained of by filing with the Chief Building OfficialCommunity Development Director or designee a notice of appeal, specifying the grounds thereof and by paying a fee to the City of DeKalb of such amount as may be established from time to time by the City Council. The Chief Building OfficialCommunity Development Director or designee shall forthwith transmit to the Board Commission all of the papers constituting the record upon which the appeal action was taken.

An appeal shall stay all proceedings in furtherance of the action that has been appealed, unless the Chief Building OfficialCommunity Development Director or designee certifies to the Board of Appeals Planning and Zoning Commission, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by a court of record on application, on notice to the Chief Building OfficialCommunity Development Director or designee and on due cause shown.

The Board Commission shall hear appeals under this Ordinance and as to any such appeal shall follow the rules herein contained.

18.02.01 Hearing Required

The Board Planning and Zoning Commission shall hear an appeal at one of their regularly scheduled meetings and give due notice thereof to the parties and shall render a decision of the appeal without unreasonable delay. No hearing shall be held upon an appeal unless the parties thereto receive at least seventy-two (72) hours’ notice of such hearing. Any party to the proceeding may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

18.02.02 Decision

1. The Board Commission may reverse or affirm wholly or partly or may modify or amend the order, requirement, decision, or determination appealed from to the extent and in the manner that the Board Commission may decide to be fitting and proper, and to that end the Board Commission shall also have all the powers of the officer from whom the appeal is taken.

The concurring vote of four (4) members of the Board Commission shall be necessary to reverse any order, requirements, decision or determination of the Chief Building OfficialCommunity Development Director or designee or other City staff member or to decide in favor of the applicant.
2. All final orders, requirements, and decisions of the **Board Commission** shall bear the signature of the **Chairman** (or **Acting Vice-Chairman** if the Chairman is unavailable). It shall be the duty of the **secretary** to give proper notification of the final orders, requirements, and decisions and draft them if so instructed by the **Board Commission**.

18.03 Variances

When a property owner shows that a strict application of the terms of this Ordinance relating to the construction or alteration of buildings or structures imposes upon him practical difficulties or particular hardship, then the **Board Commission** may determine and vary their application of the regulations of this Ordinance in harmony with their general purpose and intent when the **Board Commission** is satisfied under the evidence heard before it that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the strict letter of the regulations of this Ordinance. No variance shall authorize a use not among the uses specified by this Ordinance, as permitted in the zoning district in which such property is located.

18.03.01 Hearing Required

No variation shall be made by the **Board of Appeals** except after a public hearing of which notification of time and place of the hearing shall be provided in the following manner:

1. At the time of submitting an application for a variance, the applicant shall furnish to the City a list of owners and their mailing addresses of all property within two hundred fifty (250) feet of the property that is the subject of the proposed variance. This distance shall be measured in all directions from the boundaries of the subject property and shall not include distances devoted to adjoining or nearby public rights-of-way. In all instances, the furnished list shall include the names and addresses of a minimum of ten (10) property owners. Should the two hundred fifty (250) foot notification area not result in list of ten (10) property owners, then the notification area shall be appropriately expanded until this minimum has been met. In expanding the notification area, preference shall be given towards those properties comprised of urban-sized lots or in areas most likely to be affected by the proposal.

2. The Community Development Director or designee shall be responsible for preparing a public hearing notice providing the time, date, and place of the required public hearing, along with a summary of the request and legal description of the property that is the subject of the hearing. The public hearing notice required by this section does not need to include a metes and bound legal description of the area proposed for the variance if the notice includes a common street address or addresses and the property index number (PIN) or numbers of all the property proposed for the variance. The applicant shall publish the public hearing notice at least once in a newspaper having general circulation in the City of DeKalb not more than thirty (30) nor less than fifteen (15) days before the hearing date.

3. The applicant shall mail a notice of the public hearing to those property owners within two hundred fifty (250) feet of the subject property. Notice of the public hearing shall be mailed to all applicable governmental agencies, including but not limited to: School District, Park District, Kishwaukee Water Reclamation District, Township, Drainage District and Soil and Water Conservation District.

18.03.02 Application Procedures

1. **Application**: The petitioner shall submit an application, on forms available from the **Department of Building and Community Services**. The application shall also include the following information:

   a. The legal and common description of the property on which the variance is to be considered.
b. The variance requested, and the reasons for the request.

c. The property's present zoning classification.

d. A site plan showing the subject property and its dimensions.

e. The location of all existing and proposed buildings, structures and other improvements, building sizes including square footage, and their distances from adjacent lot lines.

f. List of owners and their mailing addresses as required in Subsection 18.03.01.

g. Any other information which the Board of AppealsPlanning and Zoning Commission or Community Development Director or designee requests.

2. **Burden of Proof:** In submitting an application for a variance, the burden of proof shall rest with the applicant to clearly establish that the findings of fact required in Subsection 18.03.03, Paragraph 2 are met.

2.3. **Review Procedure:** The Community Development Director or designee shall review the variance petition. The Community Development Director or designee shall solicit the opinions and comments of other City staff members and, along with the comments received from property owners, governmental agencies, etc., shall forward to the Planning and Zoning Commission their recommendation of approval or denial of the variance petition or approval of a modified version of the variance petition.

18.03.03 Hearing Procedures

1. The Planning and Zoning Commission shall hold a public hearing and shall consider the variance petition and relevant facts presented by the applicant or their representative, City staff, other governmental agencies, or by an interested citizen.

1. The procedure for a hearing shall be as follows:

   a. Parliamentary procedure for all Board meetings shall be governed by Robert's Rules of Order when not addressed by this document or other applicable State Statute or local ordinance.

   b. All witnesses shall be sworn, and all parties or persons who are not attorneys shall be sworn.

   c. The appellant shall begin by presenting his case which may include the presentation of documents, etc., and the calling of witnesses for examination by the appellant.

   d. The appellee shall have an opportunity to cross-examine all witnesses after each has testified and examined all documents.

   e. The appellee shall present his case which may include the presentation of documents, etc., and the calling of witnesses for examination by the appellee.

   f. The appellant shall have an opportunity to cross-examine all witnesses after each has testified and examined all documents.

   g. The appellant shall be given fifteen (15) minutes to summarize as shall the appellee, in that order.

   h. A representative of the City of DeKalb may testify for either party or appear on behalf of the City of DeKalb.
i. No person not a party to the hearing or a representative of the City shall have a right to testify unless formally called by a party to the hearing or the City at the appropriate times mentioned above. The Board reserves the right to call expert witnesses or postpone a hearing date until such time as said witness may be contacted to testify.

j. The Board reserves the right to question the appellant, appellee, and/or witnesses who may give testimony at any time during the hearing.

k. The Board reserves the right to impose time limits upon any party giving testimony. (1993-063)

2. **Findings of Fact:** Upon review of the application and information presented at the public hearing, the Board Commission shall consider and adopt findings of fact sustaining each of the following criteria, which are consistent with the rules provided to govern determinations of the Board of Appeals Planning and Zoning Commission as referenced by the Illinois Compiled Statutes.

a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district.

b. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.

c. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.

d. The denial of the proposed variance will deprive the applicant the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.

e. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

f. The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

g. The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

3. **Variances:** When a property owner shows that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures imposes upon him/her practical difficulties or particular hardship, then the Board Commission may grant a variance to said ordinance in harmony with its general purpose and intent, when the Board Commission is satisfied under the evidence heard before it, that a granting of such variation will not merely serve as a convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the comprehensive plan by this ordinance created and set forth. The Commission may grant variations from the regulations of this ordinance only, in the following instances:

a. To permit the extension of a district where the boundary line of a district provides a lot in single ownership as shown of record.

b. To permit the reconstruction of a non-conforming building which has been destroyed or partially destroyed by fire or act of God damaged by any means to an extent of more than fifty percent (50%) of its replacement cost at the time of damage where the Board Commission shall find
some compelling public necessity requiring a continuance of the non-conforming use and in no case shall such a permit be issued if its primary function is to continue a monopoly.

c. To permit the erection of a building in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.

d. To make a variance where, by reason of an exception situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property or record, or by reason of exceptional topographical conditions the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

e. To interpret the provisions of this ordinance where the street layout actually on the ground varies from the street layout as shown on the map fixing the several districts which map is made a part of this Ordinance.

c. To permit a yard, setback or landscape buffer of a lesser dimension that required by the applicable regulations.

d. To allow a fence in excess of the height limitations required by the applicable regulations.

e. To permit the use of a lot for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot be less than eighty percent (80%) of the required area and width.

f. To reduce the applicable off-street parking or loading facilities required by not more than twenty percent (20%).

g. To increase the maximum height requirement of any district.

h. To increase the maximum site coverage.

i. To allow off-site temporary signage.

j. To make a variance where, by reason of an exception situation, surroundings, or condition of a specific piece of property, or by reason of exceptional narrowness, shallowness or shape of a specific piece of property or record, or by reason of exceptional topographical conditions the strict application of any provision of this ordinance would result in peculiar and exceptional practical difficulties or particular hardship upon the owner of such property and amount to a practical confiscation of property as distinguished from a mere inconvenience to such owner, provided such relief can be granted without substantial detriment to the public good and without substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

In considering all proposed variations to this Ordinance, the Board shall first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals, or
welfare of the inhabitants of the City of DeKalb. The concurring vote of four (4) members of the Board—Commission shall be necessary to reverse any order, requirement, decision, or determination of the Chief Building Official/Community Development Director or designee to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render decision, or to effect any variance. (1993-063, 2017-044)

4. Non-conformity as Basis for Variance: The existence of any non-conformity anywhere in the City shall not itself be considered grounds for the issuance of a variance for other property.

5. Conditions imposed on Variances:
   a. In granting variances, the Board—Commission may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
   b. A variance may be issued for an indefinite duration or for a specified duration only.
   c. The nature of the variance and any conditions attached to it shall be entered on the face of the Board's Commission's order, or the Board's Commission's order may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Ordinance.

6. Notification of Decision: All final orders, requirements, and decisions of the Board Commission shall bear the signature of the Chairman (or Acting Chairman/Vice-Chair if the Chairman is unavailable). It shall be the duty of the secretary of the Board/Community Development Director or designee to give proper notification of the final orders, requirements and decisions and draft them if so instructed by the Board/Commission.

7. Period of Validity: No order of the Board—Commission permitting the erection or alteration of a building shall be valid for a period longer than six months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board—Commission permitting a use of a building or premises shall be valid for a period longer than six (6) months, unless such use is established within such period; provided, however, that where such use is permitted is dependent upon the erection or alteration of a building, such order shall continue to force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

18.04 Appeal of Final Actions

No decision of the Board—Planning and Zoning Commission shall be subject to review, reversal or modification by the City Council but shall be subject to judicial review pursuant to the provisions of the Code of Civil Procedure concerning Administrative Review Law.
Hi Dan,

It was nice to meet you the other night. Thanks for the call and e-mail, and my pleasure attending and facilitating the process. I appreciate the opportunity to provide input.

With regards to alternate paving materials for secondary parking sites for lighter weight special use vehicles/trailers, I was referring to concrete paver pads/stones. They come in various dimensions and thicknesses, usually in the 1”-2” thick range, and can be square, rectangular, etc. These can be purchased by homeowners at any home improvement or hardscape/landscape store.

The nice thing about these is that they can certainly accommodate lighter weight loads directly onto the soil while being very economical and environmentally friendly, provided the base surface is appropriately prepared. There is no special or professional equipment needed to install, maintain, or repair them. Plus, as a modular construction approach, they can very easily be individually replaced if damaged, easily removed or altered in the future, and otherwise easily maintained compared to a static surface like concrete or asphalt that may crack, require sealing, or ultimately need professional cutting for repair/replacement.

I feel these thinner pavers are an adequate option for lighter weight applications, and for these secondary sites that will experience far less wear, tear, and daily use compared to a primary drive.

This may be obvious, but I would suggest restricting the actual storage site, and transit routes, to some sort of block/pad/paver option versus anything like gravel or crushed stone for the wheel contact points, but I think the consideration of permeable aggregates such as pea gravel, crushed stone, and wood chips (to specify a few options) in and around the established parking surface to prevent issues like shifting, migrating, and weed growth would be nice.

I hope this helps, but if there’s anything else I can provide input on, please do let me know.

Thanks again,

Scott

Sent from my iPhone

On Jan 25, 2019, at 10:51 AM, Olson, Dan <Dan.Olson@cityofdekalb.com> wrote:
Wednesday, January 16, 2019

Good morning Dan, attached is a copy of an article from the Chicago Tribune on 12/16/18 that deals with alternative driveway options. On my recent home addition, I would have preferred a drive similar to the picture showing two (2) separate pavers with a concrete perimeter and grass strip down the middle. I would like to see something like this included as a alternative when you update the UDO.

Sincerely,

**Stephen P Irving**

President
Environmentalists say that porous surfaces can play a big role in reducing the amount of rainwater that runs down hard surfaces and fills rivers, ponds and municipal water systems.

"It's much better for the environment because it helps cut down on storm runoff, which picks up motor oil and other pollutants, overburdens water treatment facilities, and can ultimately end up in local waterways," says Margaret Mayfield, an architect in Los Osos, Calif. "Along with green roofs and landscaping, it's one more tool in the tool chest in terms of cutting down on runoff. It can also be more beautiful than traditional asphalt."

Permeable, or porous, driveways come in a range of styles, some high-tech and others decidedly old school. For patios and walkways, in addition to driveways, common permeable options include:

**Grass with tire strips**: In dry and mild climates, a grass driveway may work perfectly well, particularly if two 18-inch-wide gravel or impermeable paved strips are included. That combination produces much less runoff than a single-slab, impermeable driveway, experts say.

**Loose stones or gravel**: This method has been supporting vehicle traffic for centuries, and is as viable as ever.

**Concrete or recycled plastic grid systems**: This option has become increasingly popular in many areas. It consists of grids or blocks that form a hard surface, allowing water to flow freely through the spaces in the grids.

The grids can be filled with sand, gravel, soil or turf, and are long-lasting and easy to install.

**Permeable pavers**: These include cobblestones, stone or concrete paving stones with gaps between them filled in with sand so that water can flow through.

**Pervious concrete and porous asphalt**: New types of concrete or asphalt actually let water soak through. This allows for pavement-style parking and driving surfaces where local regulations might not permit alternatives.

Environmentalists say that porous surfaces like these can play a big role in reducing the amount of rainwater that runs down hard surfaces and fills rivers, ponds and municipal water systems, picking up debris along the way. That rush of water can pollute local waterways because water-treatment facilities can't handle it all.

According to the Environmental Protection Agency, permeable pavements can also help reduce flooding of building foundations and ponding of water on driveways, sidewalks and patios.

And while permeable options can be a little pricier than nonpermeable paving, that isn't always the case, and proponents say their benefits are worth it.

Permeable pavements have been used successfully in many parts of the United States and Canada, including in cold climates, says EPA spokeswoman Enesta Jones.

When selecting a permeable surface, she says, consider adjacent land uses and the prevalence of soils, mulch, leaf litter or other fine particles that might create clogs. In such cases, take care to design the driveway or walkway to avoid the loss of permeability. If permeable, interlocking concrete pavers are selected, you might want to buy some spares in case the pavement is damaged or pavers are lost.

Many communities across the country offer incentives, like rebates or reduced stormwater utility fees, to those who opt for permeable paving, so check with your community office before launching a permeable paving project.
In dry and mild climates, a grass driveway may work perfectly well, particularly if two wide gravel or impermeable paved strips are included.

Driveways go green

Permeable paving options are catching on

More homeowners and communities are opting for permeable paving options that lessen runoff. When runoff overwhelms water-treatment facilities, it can pollute waterways.

By Katherine Roth | Associated Press

One driveway at a time, many green-minded homeowners and communities are opting for permeable paving options instead of traditional asphalt.