AGENDA
Planning and Zoning Commission
April 8, 2020
6:00 PM

Please Note: On March 16, 2020, Illinois Governor JB Pritzker issued executive order 2020-07 which declared that during the duration of the Gubernatorial Disaster Proclamation pertaining to the coronavirus outbreak, “the provisions of the Open Meetings Act, 5 ILCS, requiring or relating to in-person attendance by members of a public body are suspended. Specifically, (1) the requirement in 5 ILCS 120/2.01 that ‘members of a public body must be physically present’ is suspended; and (2) the conditions in 5 ILCS 120/7 limiting when remote participation is permitted are suspended.” The executive order further states that when a public meeting is considered necessary by the governing body, “public bodies are encouraged to provide video, audio, and/or telephonic access to meetings to ensure members of the public may monitor the meeting, and to update their websites and social media feeds to keep the public fully apprised of any modifications to their meeting schedules or the format of their meetings due to COVID-19, as well as their activities relating to COVID-19.” The City of DeKalb has taken prudent steps to assure that Planning and Zoning Commission member remote participation and public access are available and will be provided within the provisions of the Governor’s executive order.

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES
   1. March 4, 2020

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

E. NEW BUSINESS
   1. Public Hearing – Petition by Ventus Tech Services, LLC for approval of the annexation, rezoning, and conceptual plan for a data center on approximately 505 acres of property generally located east of State Rt. 23 and south of Gurler Road.

      The public hearing for Ventus Tech Services, LLC will be continued to April 22, 2020.

   2. Public Hearing – Petition by B33 Northland Plaza, LLC for approval of amendments to Ordinance 2019-004 and to waive provisions from Articles 5, 9, 10 and 12 of the UDO regarding building and parking setbacks, maximum site coverage, lots having to front on a public street, and to permit existing utility connections and other approvals as required in association of approval of the Final Plat of Northland Plaza Third Resubdivision located within the address range of 2420-2572 Sycamore Road.
F. REPORTS
G. ADJOURNMENT
The Planning and Zoning Commission held a Meeting on March 4, 2020, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Vice Chair Christina Doe called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Aaron Walker called the roll. Planning and Zoning Commission members present were: Christina Doe, Steve Becker, Ron Klein, Jerry Wright, and Trixy O’Flaherty. Chair Max Maxwell and Commissioner Vicki Buckley were absent. Principal Planner Dan Olson and City Attorney Matthew Rose were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair Doe requested a motion to approve the March 4, 2020, agenda as presented. Mr. Klein motioned to approve the agenda as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. February 19, 2020 – Vice Chair Maxwell requested a motion to approve the February 19, 2020 minutes as presented. Mr. Wright motioned to approve the minutes as presented. Ms. O’Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

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

Bessie Chronopoulos, of 423 Gayle Ave, thanked the Commission for their hard work and welcomed Ms. O’Flaherty to the Commission. She stated the Commission should meet on a more frequent basis to review the comprehensive plan, to conduct training sessions, and to review the City Code. She stated the Commission has the greatest impact on the community, second to the City Council.

E. NEW BUSINESS

1. Public Hearing – Petition by J&S Tri-State Recovery and Towing for approval of a special use permit for a vehicle tow facility and storage yard to be located at 110 Industrial Dr.

   Adrian Roscelli, of 1516 Hulmes Dr, and Andrew Bjornson, of 114 Laurel St in Batavia, were present representing J&S Tri-State Recovery and Towing.
Mr. Roscelli stated they were looking to open a new towing facility and start relocations and towing for the DeKalb Police and County Sheriff’s Department at 110 Industrial Dr. Mr. Roscelli advised the new site plan includes new signage and striping for the parking lot and the installation of a 10-foot high privacy fence.

Principal Planner Dan Olson went through the staff report dated February 28, 2020. He stated J&S Recovery and Towing is proposing to establish a vehicle tow facility and storage yard at 110 Industrial Dr. He advised the zoning is “HI” Heavy Industrial and vehicle tow facilities and storage yards are designated as a special use in that zoning district. Mr. Olson noted the UDO requires storage yards to have their activities within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height.

Mr. Olson stated the applicant submitted a site plan showing the proposed vehicle storage area, which will be mainly south of the existing building. He advised parking will be provided for five vehicles in front of the building, including a handicap space. A total of four parking spaces are required per the UDO based on the number of employees on the maximum shift. The parking spaces will have to be striped and a handicap space added with appropriate signage prior to final occupancy of the towing operation.

Mr. Olson noted the City approval of a special use permit in 2015 for a vehicle tow and storage yard located at 1888 State Street, which included several conditions. He also noted the past special use permit for Lovett’s Towing at along E. Lincoln Highway. He stated the conditions included those special uses included no stacking of vehicles, no crushing of vehicles, no storage of vehicles used in operation of the business being parked outside the fenced area, and several other conditions. Mr. Olson advised the Commission staff is recommending the petitioner be required to operate under the same conditions.

Mr. Olson advised the subject site has been zoned Heavy Industrial for decades and there are several other motor vehicle related commercial and industrial businesses along Industrial Drive. He noted the nearest residential property is approximately 270 feet away, along the north side of East Lincoln Hwy.

Mr. Olson advised a Citizen Response Form was received from the current property owner, Stephanie Hankes of 383 Quinlan Ave, indicating her support for petition.

Vice Chair Doe then invited attendees in the audience to speak.

Shannon Lovett, of 1837 East Lincoln Hwy (Lovett’s Towing) questioned whether the setback for the proposed fence was within regulations. Mr. Olson advised the proposed 10-foot fence can extend to the front yard for this type of
use and there are no setback requirements currently. Mr. Lovett advised his business was required to have a 10-foot setback for a fence from property lines when his petition was approved in 1990. Mr. Olson reiterated there are no current fence setback requirements for the screening of a towing storage yard.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mr. Wright questioned why the petitioner decided to establish a tow company in DeKalb. Mr. Roscelli stated he worked for another tow company in the City and understands the demand for towing services in DeKalb. Mr. Wright inquired what the size of the proposed lot would be. Mr. Bjornson advised the lot is 100 feet by 175 feet.

Mr. Becker questioned whether the business would also be involved in vehicle or vehicle part sales. Mr. Roscelli advised the business would not be involved in vehicle or vehicle part sales.

Vice Chair Doe inquired where the dumpster will be located on the property. Mr. Roscelli said it would be in the fenced in area. Vice Chair Doe asked what happens to a vehicle if it has been stored on the property longer than 90 days. Mr. Bjornson advised the Commission of a state statute that allows a vehicle tow facility to take ownership of a stored vehicle if the owner of the vehicle does not retrieve it within 15 days of being notified that the tow facility is current in possession of the vehicle.

City Attorney Matthew Rose questioned what security measures will be taken around the exterior of the property. Mr. Roscelli advised there will be high definition security cameras throughout the property, as well as multiple flood lights.

Mr. Becker questioned if they will be doing any repossession of vehicles. Mr. Bjornson stated they will not.

Chair Maxwell gave the public one more opportunity to speak. There was none.

Mr. Becker moved the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a vehicle tow facility and storage yard located at 110 Industrial Dr. per the site plan received on 2-25-20 and labeled as Exhibit A and per the conditions listed in Exhibit B.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O’Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.
2. **Public Hearing** – Petition by 2411 Sycamore LLC for approval of a special use permit for a drive-through restaurant with an outdoor seating area and approval of a Final Plan for a proposed Raising Cane’s Chicken Fingers Restaurant to be located at 2411 Sycamore Rd.

Jeff Gould, of ADA Architects, advised his client, 2411 Sycamore LLC, is proposing the construction of a new Raising Canes Chicken Fingers restaurant to be located at 2441 Sycamore Road. He advised plans to demolish the current Applebee’s building and rebuild Raising Canes at the same location. He advised the access points and parking lot will be similar to the current Applebee’s site, with the addition of a two-lane drive through.

Mr. Gould advised the building will be approximately 3357 square feet and will be able to seat 121 customers, with 26 of the seats being in the outdoor area. He noted some of the current landscaping will be removed and replaced.

Mr. Gould noted the petitioner has requested a waiver to the current parking requirements. He advised based off the current UDO regulations, 76 parking spaces are required, and the petitioner is proposing 46 parking spaces. He stated their waiver request is based off data collected from several other Raising Canes sites that are similar to the proposed site in DeKalb. He advised the DeKalb site will have more parking than any of the other nearby (Batavia and Naperville) and comparable Raising Cane sites.

Mr. Gould advised the main entrance would be from the north and the drive-through pick up area would be facing Sycamore Road. He noted the exterior finish of the building would be typical of other Raising Cané’s buildings.

Principal Planner Dan Olson went through the staff report dates February 28, 2020. Mr. Olson advised Raising Cane’s Chicken Fingers is a fast-food restaurant chain specializing in chicken fingers that is based out of Baton Rouge, Louisiana. He noted the company has approximately 450 restaurants in 27 states, with approximately 10 locations in the Chicago area.

Mr. Olson mentioned the Applebee’s on the site has been closed since June 2018 and has remained vacant. He stated this lot is in the Oakland Place Planned Development, which requires a Final Plan to be approved by the Commission and City Council prior to issuance of any building permit.

Mr. Olson noted there will be access points to the northeast, northwest, and southwest portions of the site, but there will be some access restrictions due to the drive-through. He advised the drive-through will have two lanes for ordering and will narrow down to one lane at the pick-up window. He noted the UDO requires five stacking spaces for drive-throughs and the proposed layout will
accommodate the required stacking without interfering with the non-drive through traffic.

Mr. Olson stated there is a cross access agreement with the shopping center to the west that allows for parking within the shopping center. He reiterated the petitioner is requesting a waiver to the parking requirements. He advised the applicant provided a traffic and parking analysis, which indicated the parking demand at a comparable Raising Cane’s location in Oak Lawn showed a peak demand of 26 parking spaces, even though the restaurant had 41 spaces. He also noted parking data was also provided by the petitioner for their Batavia and Naperville locations, which show there is enough parking for the subject site.

Vice Chair Doe then invited attendees in the audience to speak. There were none.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mr. Becker questioned what the expected completion date for the project would be. Jason Cooper, of 1001 Warrenville Road in Lisle, advised the intent is to open the restaurant by the end of 2020.

Mr. Klein stated his concern for the amount of parking. He stated if half of the 121 potential seats were filled by customers, 46 parking spots wouldn't be enough. Mr. Cooper advised they studied peak lunch hours and evening hours at several of their other locations in the Chicago area. He noted during peak hours, only 26 parking spots were occupied. Mr. Cooper reiterated the cross-parking agreement throughout the shopping center. Mr. Cooper noted there would have to be approximately 20 vehicles stacked in the drive-through before it effected parking on the site.

Mr. Klein questioned how many employees would be on site at peak hours. Mr. Cooper advised the maximum would be 15, but on average it would be closer to 8 employees.

Mr. Wright questioned if there was any use for the existing Applebee’s building. Mr. Cooper advised Raising Canes prefers a clean slate with clean facilities, a new building, and to have their brand on the building itself.

Vice Chair Doe questioned where the overflow would go if there were 20 vehicles stack in the drive-through. Mr. Cooper advised they conducted a traffic study and the maximum queue was approximately 9 vehicles. Vice Chair Doe also questioned what signage would be included in the plans to
prevent customers from accessing the parking lot from the wrong direction. Mr. Cooper stated there will be two do not enter signs on each side of the access point. He noted the parking lot will also be 28 ft wide on each side of the building, giving more than enough room in case someone accidently enters the lot from the wrong direction.

Vice Chair Doe questioned why they specifically chose this site for the project and what the operating hours would be. Mr. Cooper stated he did not know the exact reason for this site location, but the real estate team does intensive studies and surveys before choosing a site. He also noted typical operating hours would be 10:00AM to 11:00PM. Vice Chair Doe noted she would prefer another wall sign on the south elevation so there is visibility of the restaurant from traffic going north along Sycamore Road.

Vice Chair Doe gave the public one more opportunity to speak. There was none.

Mr. Klein moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a drive-through and outdoor eating area and approval of a Final Plan for a Raising Cane’s Chicken Fingers Restaurant to be located at 2411 Sycamore Road, per the Final Plan dated 1-24-20 and Exterior Elevations dated 2-11-20 labeled as Exhibit A and per the conditions listed in Exhibit B being addressed per City Staff's satisfaction prior to final City Council action.

Mr. Wright Seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O’Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.

3. **Public Hearing** – Petition by the City of DeKalb for text amendments to Article 13 “Signs” and Article 18 “Appeals and Variances” of the Unified Development Ordinance.

Mr. Olson advised a preliminary discussion with the Planning and Zoning Commission regarding sign regulations occurred on December 5, 2018. He stated the City Council had a follow-up discussion on March 25, 2019 during a Committee of the Whole meeting. Mr. Olson advised the review of the City’s sign code was prompted by the need to bring the codes in line with a Supreme Court ruling (Reed v. Town of Gilbert, 2015) that held content-based sign restrictions were unconstitutional. He added on February 10, 2020 the City Council Committee of the Whole discussed the proposed amendments that are included in the Commission’s packet. He said the Council agreed with the
proposed changes and there was a consensus to forward the amendments to the Planning and Zoning Commission and conduct a public hearing.

Mr. Olson advised staff prepared the amendments based upon the Supreme Court case, experiences administering DeKalb’s sign code, and reviewing other communities’ ordinances. He noted the proposed amendments will make the sign regulations easier to understand, promote economic development, and become more business friendly while still ensuring public safety and maintaining aesthetic standards.

Mr. Olson stated the amendments will make regulations content neutral, so they are in line with the Supreme Court ruling. He advised it will also increase the allowable wall signage size from one times the frontage of a building/tenant space to one and a half times the frontage. He noted this will allow increased visibility for businesses that may be substantially setback from a roadway.

Mr. Olson advised electronic changeable copy signs are currently prohibited, except with the approval of a special use permit. He stated staff is proposing electronic changeable copy signs be removed from the prohibited sign list and allowed with a sign permit within all zoning districts except “CBD” Central Business District and any residential zoning district with certain conditions being met. He noted one of the conditions would include a display time minimum on changing messages of no longer than 5 seconds. He advised staff looked at other communities, which had minimum display times ranging from 2 to 10 seconds. Mr. Olson stated the amendment would also prevent electronic changeable copy signs from taking up more than 50% of the sign or 40 square feet, whichever is less. He noted there would be other operational standards added to include limits on how messages can change, light intensity, and advertising restrictions.

Mr. Olson mentioned the current temporary signs regulations require permits from the City prior to display. He noted the maximum size allowed is 40 square feet per sign and a limit of 14 days per permit, and six permits per year. He stated staff is proposing temporary non-commercial ground or wall signs not exceeding 16 feet in residentially zoned properties and 40 square feet in commercial/industrial zoned properties be exempt from a sign permit as long as they meet size, height and display standards. He advised these signs would not be displayed for more than 90 days in a calendar year and be removed no more than 7 days after the event they are advertising. Mr. Olson noted temporary commercial signs would still require a permit and be restricted to being located only on the property the business is located. He stated the number of days the signs can be displayed will be increased from 84 to 90 days and the restriction of requiring a new permit every 14 days would be removed. Mr. Olson advised the amendment would also clarify the calculation of area for signs, as make the window signage regulations consistent.
Mr. Olson noted staff is proposing variances for signs be allowed to be applied for and would be reviewed under the current variance procedures in Article 18 of the UDO in lieu of a special use permit or planned development ordinance. He stated in conjunction with this amendment, staff is proposing to add language to Article 18 “Variances” by allowing applicants to vary sign height, size, and location. He noted, per the UDO, a public hearing in front of the Planning and Zoning Commission is required for any variance with final determination laying with the Commission.

Vice Chair Doe then invited attendees in the audience to speak. There were none.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mrs. O’Flaherty had concerns with sign regulations that have been addressed with the proposed amendments. She stated she appreciates the clarification throughout the report and proposed amendments.

Mr. Becker stated he believes signs can be overwhelming and unsightly. He noted, however, his appreciation for the consistency, clarity, and ease of access the proposed amendments add.

Vice Chair Doe gave the public one more opportunity to speak. There was none.

Mrs. O’Flaherty moved that the Planning and Zoning Commission recommend to the City Council approval of amendments to Article 13 “Signs” and Article 18 “Appeals and Variances” of the Unified Development Ordinance per Exhibit A in the staff report.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O’Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.

F. REPORTS

Mr. Olson advised the next Commission meeting on March 18, 2020 would be cancelled, as no hearings have been scheduled. He noted Planning and Zoning Commission meetings will continue to be held at City Hall at least through April. He stated during the last City Council Meeting, the special use permit for the Verizon antenna co-location at 1500 S 7th St was approved.

G. ADJOURNMENT
Ms. O’Flaherty motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission adjourned at 7:23PM.
TO: Planning and Zoning Commission
FROM: Dan Olson, Principal Planner
RE: Annexation, rezoning and conceptual site plan approval for approximately 505 acres of property generally located east of State Rt. 23 and south of Gurler Road for a data center (Ventus Tech Services, LLC)

I. GENERAL INFORMATION

A. Purpose To accommodate a data center and accessory uses in an approximately 970,000 sq. ft. facility with an option to expand.

B. Owner/Applicant Ventus Tech Services, LLC

C. Location and Size East of Rt. 23, south of Gurler Road/approximately 505 acres

D. Existing Zoning and Land Use “A-1” (unincorporated DeKalb County); agriculture

E. Proposed Zoning and Land Use “PD-I”; data center and accessory uses

F. Surrounding Zoning and Land Use North – PD-I, PD-C and A1; food distribution center – under construction, agriculture
South – A-1 (unincorporated); agriculture
East – A-1 (unincorporated); agriculture
West – PD-R & A-1 (unincorporated); agriculture and single-family residential

G. Comprehensive Plan Designation Office/Research Park, Commercial & Light Industrial
The legal notice for the April 8th Planning and Zoning Commission public hearing referenced approval of a “Conceptual” Site Plan along with the rezoning of the site, upon annexation, to the “PD-I” Planned Development Industrial District to accommodate a proposed data center. Since the legal notice was published, the applicant is completing more detailed plans which will be ready for the Commission’s review on April 22. These plans will serve as the preliminary and final development plans, which will more closely conform to the Unified Development Ordinance’s reference to a Preliminary and Final Development Plan and Subdivision Plat, typically approved with any Planned Development. A Plat of Subdivision has been already submitted by the applicant and is provided in the Commission’s packet.

The City wants to be precise and transparent and ensure all relevant plans and plats were included in the notice, so staff is recommending the Planning and Zoning Commission open and then continue the public hearing to the April 22rd meeting. A new hearing notice was sent out to surrounding property owners on April 3rd noting the new hearing date and the requested approval of a Preliminary and Final Development Plan and Plat of Subdivision in conjunction with annexation and rezoning of the site. On April 8th the Commission can open the hearing and note it will be continued to April 22nd for the reasons noted. If anybody from the public attends the hearing on April 8th, it is recommended the Commission take their comments and questions and note the continuation of the hearing.

Staff is providing a report below that provides a background and analysis of the plan and request, draft of the findings of fact and development standards.

I. BACKGROUND AND ANALYSIS

The petitioner, Ventus Tech Services, LLC, is requesting approval of the annexation and rezoning of approximately 505 acres of property generally located east of State Rt. 23 and south of Gurler Road to accommodate a data center and accessory uses in an approximately 970,000 sq. ft. facility with an option to expand. Ventus Tech Service is representing the data center company and has been working with the City through the pre-application process. The requested rezoning would change the zoning of the subject site, after annexation, from the “SFR1” Single-Family Residential District to the “PD-I” Planned Development Industrial District. The petitioner also seeks approval of a Conceptual Site Plan, Landscape Plan, and Building Elevations which are part of the petition, along with the approval of associated development standards for the subject site. The applicant has indicated that more detailed plans will be provided in the next few weeks that will qualify as the Preliminary and Final Development Plan. A Plat of Subdivision has been submitted by the applicant and is provided in the Commission’s packet.
On March 9, 2020 the DeKalb City Council unanimously approved a Pre-Development Agreement with Ventus Tech Services, LLC which established the City’s intent to appropriately annex and rezone the subject site. The agreement also established the intent to extend financial incentives including a property tax abatement program through the DeKalb County Enterprise Zone program that is tied to job creation and retention goals, minimum square footage goals, and project wage levels. To accommodate the incentives, the City Council approved an extension to the DeKalb County Enterprise Zone map on January 13, 2020 to include the subject property, and included new property tax incentives for high impact knowledge-based companies or data centers with a minimum of $800 million of investment and a minimum of 900,000 square feet of development area. On April 2, 2020 the DeKalb County Enterprise Zone approved a Memorandum of Understanding (MOU) to deliver these benefits to Ventus Tech Services, LLC. within the reciprocal obligations defined by the Enterprise Zone program.

The petitioner is proposing an initial investment of more than $800 million to construct an approximately 970,000 square foot data center facility, with the option to expand thereafter in additional phases. The skilled workforce will consist of high wage technology professionals and would include about 50 initial jobs with an average starting wage of $38.50 an hour. The proposed rezoning request and plan approval will allow the development of a data center that will generate new business opportunities and support existing commerce in the surrounding area, while spurring increased property values and other development opportunities. Over the next 20 years the proposed data center is projected to yield tax revenue for the participating taxing bodies (even with the tax abatements) that is comparable to the five largest existing industrial companies in the City, combined.

**Conceptual Site Plan/Plat of Subdivision and Development Standards**

The Overall Site Plan sheet shows an approximate 970,000 sq. ft. data center building on the far eastern portion of the site and an electrical substation to the southwest of the building. The main access to the site will be provided by Peace Road, which will be extended into the site and security controlled. Access will also be provided along Gurler Road, at Crego Road (gated and controlled) and other possible locations along Gurler as the site is built out. Crego Road is currently under the jurisdiction of Afton Township and the right-of-way will be vacated as a public roadway from Gurler Road to the southern boundary of the site and made into a private road for the data center. Access to the data center from Crego Road at the southern end of the property will be through a gate also. Public access will not be allowed at this location, with a proposed cul-de-sac providing an adequate turnaround.

The building footprint shown for the approximate 970,000 sq. ft. data center building is general and will also include parking for the facility and landscape areas. A mechanical yard is proposed around two sides of the building. Internal private drives will connect the data center building with the three proposed access points and the proposed substation, which will be partially owned by the data center and ComEd. Security fencing will surround the site. Sample building elevations were provided indicating precast concrete wall panels.
on the lower half of the building and metal wall panels on the upper half. The final architectural plans will indicate the amount of precast concrete wall panels and metal wall panels. The majority of the building will be 54 feet in height and just under 57 feet at the highest point. The maximum height in the “LI” Light Industrial and “HI” Heavy Industrial Districts is 75 feet.

The landscape details sheet show landscaping around the perimeter of the initial phase of the development that is intended to meet the UDO requirements. The plan also has landscaping along the Rt 23 that exceeds the UDO requirements by 30 trees and will include a berm to match what is proposed for the Chicago West Business Center to the north. The plantings and berm along the Rt. 23 frontage will be installed in a future phase of the project when development of the site moves to the west.

The proposed conceptual site plan, building elevations and landscape plan for the subject site are in compliance with UDO standards and the recommended draft development standards at the end of the report. The standards were based upon the regulations in the “LI” and “HI” Districts and the standards for the Chicago West Business Center (Ferrara Site) to the north.

A Plat of Subdivision has been submitted indicating the creation of one lot for the entire site. The Plat also includes the dedication of 50 feet of right-of-way along Gurler Road for roadway improvements and the establishment of a 20-foot easement along Rt. 23 for the Kishwaukee Water Reclamation District to extend a future sanitary sewer.

Roadway Improvements

Several roadway improvements are planned for the project and in conjunction with the Ferrara Candy Company development across Gurler Road. The existing T-intersection of Peace Road and Gurler Road will be reconstructed and made into a roundabout. Gurler Road will be upgraded to a three-lane section, similar to Fairview Drive, capable of accommodating year-round truck traffic. Intersection traffic control improvements are necessary at both ends of Gurler Road adjacent to the project site. State Rt. 23 and Gurler Road will receive a signalized intersection with appropriate turns lanes to accommodate demand with State Rt. 23 through traffic remaining the dominant movement. The proposed roundabout at Peace Road and Gurler Road will accommodate free-flowing traffic to avoid delays from conflicting dominant movements from both Project Ventus and the Ferrara sites as those trips enter/exit the I-88 interchange.

Although Crego Road is planned to be vacated between Gurler Road and the southern limits of the subject site with the proposed development, there are plans to construct a new north-south roadway just to the east of the site between Gurler Road and Keslinger Road. The City will be using monies dedicated by State Representatives Tom Demmer and Jeff Keicher from the State's 2019 Capital Projects Fund of $500,000 to help pay for the new one-mile roadway which will include a 66-foot-wide right-of-way and two 12-foot driving lanes. This new roadway will allow for a new means of access from Peace Road and Gurler Road to areas south of the subject site. (see attached map).
Utilities/Stormwater Drainage

The existing overhead electrical line along the east side of the site is 138kv will serve the initial building and a 34 kv line further west will service future facilities. An electrical substation will be construed to the southwest of the initial building and owned by the data center company and ComEd.

A 16" watermain will be looped to the south side of Gurler Road between stubs under I-88 at State Rt. 23 and Crego Road (near the DeKalb Oasis). Additionally, the stub on Gurler Road near Corporate Drive will be drawn east to tie into the loop as well. The loop will have an eastern extension which will terminate just east of Peace Road serving as the final connection point for the Ventus site. Two 12" water meter connections are proposed to extend into the subject site in the initial phase. A separate water agreement will be provided that will ensure that adequate and reliable water will be provided to the site.

The Kishwaukee Water Reclamation District has been working with the developer, Jerry Krusinski, on the sanitary sewer layout which will serve the Ferrara and Ventus sites. The sanitary sewer will be extended from a point near Harvester Dr. and Rt. 23, down the east side of Rt. 23 and then east along the north side of Gurler Road to the site at Crego Road.

Four stormwater retention ponds are initially proposed on the site and will accommodate the initial phase of development. Its anticipated that site development and mass grading would commence in the next few months, once the project is approved by the City.

III. FINDINGS OF FACT - REZONING

1. The proposed rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area. The proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding areas trend in development.

The 2005 Comprehensive Plan recommends Office/Research, Light Industrial and Commercial uses for the subject site. An approximately 1,222,400 sq. ft. food distribution center is under construction just to the north of the subject site along Gurler Road and will also include a future 466,560 sq. ft. packaging center. Additional acreage for future manufacturing, distribution, office/research and technology uses are available in the areas to the north of the site. The rezoning of the subject site to the “PD-I” Planned Development – Industrial District and the approval of a data center meets the intent of the City’s Comprehensive Plan and is compatible with the trend of development in the area.

2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.

Re-zoning of the subject site to the "PD-I" Planned Development District and the
development of a data center will allow the project to comply with the regulations of the UDO and per the development standards made part of the annexation and development agreement. The PD-I" zoning classification, as provided under the City’s Unified Development Ordinance, is the most appropriate zoning classification for the subject site and provides the opportunity for the City to more directly shape the development, use and appearance of the subject property. In addition, the Planned Development zoning allows the applicant flexibility in integrating public capital facilities, construction schedules and phasing of the development.

3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.

The property to the north of the site along Gurler Road, between Rt. 23 and Crego Road is being developed with an approximately 1,222,400 sq. ft. food distribution center and future 466,560 sq. ft. packaging center. Areas to the east, south and west are agricultural uses with some single-family homes to the west of the site along Rt. 23. The proposed zoning and data center are consistent with and compatible with the surrounding area and the City’s Comprehensive Plan. The proposed rezoning to “PD-I" Planned Development Industrial District and the development of a data center will not have a detrimental effect on the adjacent properties or land uses. In fact, the extension of utilities and upgrading of roadways will appreciably increase the value of adjacent farm parcels for future development.

Although Crego Road is planned to be vacated between Gurler Road and the southern limits of the subject site with the proposed development, there are plans to construct a new north-south roadway just to the east of the site between Gurler Road and Keslinger Road. The City will be using monies from the State’s 2019 Capital Projects Fund of $500,000 to help pay for the new one-mile roadway which will include a 66-foot-wide right-of-way and two 12-foot driving lanes. This new roadway will allow for a new means of access from Peace Road and Gurler Road to areas south of the subject site.

4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.

The subject property is proposed for “PD-I" Planned Development – Industrial zoning. The "PD-I" district designation and development of a data center will allow the site will be compatible with the surrounding area. In addition, the data center will allow for the continuation of an area with high quality development under the “PD-I" classification and which is consistent with the Comprehensive Plan recommendations.

5. Adequate public facilities and services exist or can be provided.

Gurler Road, Rt. 23 and Peace Road will be improved to accommodate the proposed development and provide for efficient means of access for the data center. Sanitary sewer and watermain will be extended to the site along the north side of Gurler Road in
conjunction with the development of the Ferrara Candy Company site to the north and will provide connections to the subject property. A separate water agreement will be provided that will ensure that adequate and reliable water will be provided to the site. Stormwater management will be provided on the subject property per the requirements of the Unified Development Ordinance. Electrical power is readily available and more than adequate to provide the needs for the proposed data center.

V. Citizen Comments

The City has received correspondence from Joseph Gormley who represents 240 acres of property just south of the subject site (see attached map). Mr. Gormley had concerns about future access to the property, the vacation of Crego Road and the value of the property. After discussions, it has been agreed that a future north-south roadway will be located just to the east of the site between Gurler Road and Keslinger Road (see attached map). The City will be using monies from the State’s 2019 Capital Projects Fund of $500,000 to help pay for the new one-mile roadway which will include a 66-foot-wide right-of-way and two 12-foot driving lanes. This new roadway will allow for a new means of access from Peace Road and Gurler Road to areas south of the subject site. The proposed location of the new road is acceptable to Mr. Gormley.

VI. CONCLUSIONS AND RECOMMENDATION

As noted at the beginning of the report, the staff wants to make sure all relevant plans and plats were included in the public hearing notice, so staff is recommending the Planning and Zoning Commission continue the public hearing to the April 22nd meeting. A sample motion is provided below.

Sample Motion:

I move that the Planning and Zoning Commission continue the public hearing for Ventus Tech Services, LLC to Wednesday, April 22, 2020 at 6:00 PM in the City Council Chambers in the DeKalb Municipal Building located at 200 S. 4th St., DeKalb, IL.
Draft Development Standards

Amendments, Standards and Conditions

Permitted Uses: Data center and accessory uses. A data center is defined as buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services, along with ancillary warehouse, administrative office, and storage buildings.

Minimum Building Setbacks:
Rt. 23 – 150’
Gurler Road – 100’
East and South Property Lines – 150’

Minimum Parking/Paving Setbacks (except points of access and turnarounds):
Rt. 23 – 100’
Gurler Road – 50’
East and South Property Lines – 50’

Maximum Site Coverage (area covered by buildings, paving): None

Maximum Building Height: 75’

Landscaping: Per the Unified Development Ordinance and City Manager’s approval.

Lighting: Per the Unified Development Ordinance.

Parking: Per the Unified Development Ordinance. Parking formula (number of spaces required) shall be determined in consultation with the Owner and City Staff based upon the owner’s needs and parking demand at a similar facility.
A1.01
SAMPLE BUILDING ELEVATIONS

3/27/2020

FILE NO. 37144-01
PROJECT VENTUS
DEKALB, ILLINOIS  60115

FILE:
S:\37\37144\3714401\04_CAD\CIVL\Exhibit\PD Submittal\Exhibits\PDS_ELEVATIONS.mwf.dwg

EXHIBIT FOR
DILIGENCE
PURPOSES ONLY

SEE A1.02 ELEVATIONS

SCALE: N.T.S.

3/27/2020
To Whom it May Concern,

Please accept this petition for the annexation and rezoning of 504 acres contiguous with current limits of the City of DeKalb. The existing land being located south of Gurler Road and East of 4th Street (also known as State Highway 23) is comprised of four tracts owned by three entities. The annexation and rezoning of the subject property will benefit the City of DeKalb through the potential construction and operation of a data center at the aforementioned location. This development is consistent with the City of Dekalb's 2005 Comprehensive Plan Update as it contributes to the planned technological and industrial growth south of the intersection of Historic Lincoln Highway and Peace Road. Tollway plaza Exit 65 on to Peace Road is a convenient access to the existing industrial park to the north and will provide access to the proposed development on the property south of Gurler Road. The location of the subject property in proximity to the tollway minimizes the interference with residential or downtown daily traffic. If selected, this development will create permanent jobs in DeKalb in addition to the opportunities for construction tradesmen and other workers. Modification of the zoning from the county agricultural to industrial following annexation is also in compliance with the city's comprehensive plan.
ANNEXATION PETITION

A. APPLICANT
1. Petitioner / Petitioner Representative
   Name  Matthew Kramer  Phone  630-652-4699
   Mailing Address  3333 Butterfield Road, Suite 300
   City, State, ZIP  Downers Grove, Illinois 60515
   Email  mkramer@jacobandhefner.com

2. Property Owner (if different from Petitioner)
   Name  VENTUS TECH SERVICES LLC
   Mailing Address
   City, State, ZIP
   Phone
   Email  info@VentusTechServices.com

B. PROPERTY
1. Common Address or Location  A portion of the property south of Gurler Rd, North of Kensington Rd East of 4th ST and west of Lynch Rd
2. Parcel # (s)  11-02-100-001; 11-02-100-001; 11-02-200-001; 11-01-100-001; 1101-200-002
3. Legal Description (if necessary, briefly describe here and reference the full legal description on the Plat)
   See attached Alta Survey
4. Size of the total area being annexed (sq. ft. or acres)  +/- 504 acres
5. Number of electors (i.e., registered voters) who reside on the property to be annexed  0
6. Property to be annexed (select one):
   ☐ is contiguous to the existing corporate limits of the City of DeKalb.
   ☐ is not contiguous to the existing corporate limits of the City of DeKalb

C. PRE-APPLICATION CONFERENCE
A Pre-application Meeting with City staff is required prior to the acceptance of this application, per Unified Development Ordinance 5.13.10(1).

Date of meeting  1/27/2020

Individuals in attendance
Dan Olson, Zachary Gill, Matt Fillmore, Matthew Kramer

Updated: 9/2019
D. CHECKLIST

Below are the minimum criteria necessary to properly process your application. Each item must be checked by the applicant to signify it is provided on this form or on other attached pages.

1. Filing Fee: $300

2. Three (3) copies of a Corporate Limits Extension Map and/or Plat of Survey of the property to be annexed, including the following information:
   - Survey of property to be annexed.
   - Legal description of property to be annexed.
   - Present corporate limits.
   - Number of acres to be annexed.
   - Name and address of person who prepared plat.
   - Indicate that the new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed.

   Certificate for signature by Mayor and the City Clerk as follows:
   This is to certify that this Accurate Map of Territory Annexed is identified as that incorporated into and made a part of the City of DeKalb Ordinance No. __________ adopted by the City Council of said City on the _______ day of ____________, 20___.

   By: ____________________________ Attest: ____________________________
   Mayor               City Clerk

3. Signatures of the majority of the electors residing on the property to be annexed

4. Attached documentation on additional page(s) supplying the following:
   - Explain the reason for the annexation request.
   - Describe in detail how the request will be in conformance with the City’s Comprehensive Plan.
   - Demonstrate how the annexation request will not impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.

E. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission’s agenda only if it is completed in full and submitted in advance of established deadlines.

F. The petitioner hereby agrees to abide by the requirements set forth in the Planning and Zoning Commission Public Hearing Procedures.

G. The petitioner has read and completed all of the above information and affirms that it is true and correct.

_________________________  3/13/2020
Petitioner Signature         Date

I hereby affirm I am the legal owner (or authorized agent or representative of the owner—proof attached) of the subject property and authorize the petitioner to pursue this request as described above (petitioner must sign if they are the owner).

_________________________  3/13/2020
Property Owner Signature     Date

VENTUS TECH SERVICES LLC

PAMELA A JASINSKI, MANAGER

Updated: 9/2019
TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): ________________________________
Petitioner's Representative: Matthew Kramer
Mailing Address:
JACOB AND HERFNER, BUTTERFIELD ROAD, SUITE 300, DOWNERS GROVE, IL

Property Owner: Ventus Tech Services LLC
Mailing Address: ________________________________________

Phone: 630-652-4639
Email: mkramer@jacobandherfner.com

Phone: ________________________________
Email: info@ventustechservices.com

1. The petitioner hereby petitions the City of DeKalb to rezone the following property:

   A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:

   See attached Alta Survey (pg 7)

   B. Street Address or Common Location: A portion of the property south of Gurler Rd, North of Kensington Rd East of 4th ST and west of Lynch Rd

   C. Size of Property (square feet or acres): +/- 504 acres

   D. Existing Zoning: A-1 (In the county)

   E. Proposed Zoning: Planned Industrial PD-1

   F. Reason for request: On a separate document, describe the reasons for the rezoning request and the intended types of land uses, if any, for the property. Also, indicate whether or not the proposed rezoning would: a) be in conformance with the City's Comprehensive Plan and how the proposed rezoning may; b) impact adjacent existing and future land uses; c) impact adjacent property values; and d) impact the general public's health, safety and welfare.

Updated: 9/2019
2. The petitioner hereby submits the following information:

Vicinity map of the area proposed for the rezoning

All files (e.g. site plans, building elevations, legal description, reasons for request) shall be provided electronically on a CD, DVD or flash device that will become part of the application file.

Petition fee ($500.00).

3. The petitioner hereby states that a pre-application conference was not held with City staff prior to the submittal of this petition.

Date of pre-application conference: 1/27/2020

Those in attendance: Dan Olson, Zac Gill, Matt Fillmore, Matthew Kramer,

(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

4. The petitioner hereby agrees that this petition will be placed on the Planning Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the information and affirms that it is true and correct.

Petitioner Signature: [Signature]

Date: 3/13/2020

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Rezoning petition as described above (petitioner must sign if they are the owner).

Property Owner Signature: [Signature]

Date: 3/13/2020

Ventus Tech Services LLC

Pamela A. Jasinski, Manager

Updated: 9/2019
TO: DeKalb Planning and Zoning Commission  
FROM: Dan Olson, Principal Planner  
RE: Amendments to Ordinance 2019-004 to modify setbacks and other provisions and to approve a Final Plat of Resubdivision for the Northland Plaza Shopping Center – Sycamore Road (B33 Northland Plaza, LLC)

I. GENERAL INFORMATION

A. Purpose  Create separate lots around the existing five smaller outbuildings within the shopping center  
B. Location/Size  NE Quadrant of Sycamore Road and Barber Greene Road – Northland Plaza Shopping Center /approx. 38 acres  
C. Petitioner  B33 Northland Plaza, LLC  
D. Existing Zoning  “PD-C” Planned Development Commercial  
E. Existing Land Use  Commercial  
F. Proposed Land Use  Commercial  
G. Surrounding Zoning and Land Use  North: Unincorporated; Agriculture  
   South: PD-C; Various Commercial Uses  
   East: Unincorporated; Agriculture  
   West: GC & PD-C; Various Commercial Uses  
H. Comprehensive Plan Designation  Commercial
II. BACKGROUND AND ANALYSIS

The applicant, B33 Northland Plaza, LLC, is requesting approval of a resubdivision the Northland Plaza Shopping Center in order to create separate lots around the existing five smaller buildings within the shopping center. There is no construction planned or new tenants proposed with this petition. The intent of the resubdivision is to help retain and attract quality tenants. The applicant believes that proposed resubdivision will facilitate better organization of the property through the separation of the lots and allow businesses to own their own buildings and lot. The reason that Planet Fitness located in the shopping center in 2019 was their ability to own (rather than rent) their lot.

There will be a total of eight (8) lots and include the existing Planet Fitness lot and a lot for the stormwater detention pond (Lot 5). The original subdivision for the property was approved in 1965 and the First Resubdivision was approved in 2003. The Northland Plaza Resubdivision No. 2 was approved in 2019 when Planet Fitness located in the shopping center and created a separate lot for their tenant space and part of the parking lot. Up until the plat for Planet Fitness was approved, the entire shopping center was covered by one lot, except for the stormwater detention pond along Sycamore Road. The proposed resubdivision does include the lot created with the resubdivision plat approved for Planet Fitness in 2019. The lot boundaries will remain for that lot; however, the lot number will change. The applicant’s petition also includes amending the Ordinance approved in 2019 (#2019-004) by waiving certain provisions of the UDO to accommodate the proposed resubdivision.

The proposed amendments to Ordinance 2019-004 include the following:

**Amending Article 5.08 “GC-General Commercial District” regarding building setbacks and maximum site coverage.** By creating lots around the five existing outbuildings, some building setbacks will not be able to be met and will create non-conforming lots. The applicant is proposing the building setbacks and maximum site coverage restrictions be waived to accommodate the Plat. The proposal is to waive any interior building setbacks, however maintaining the building setbacks along Sycamore Road and Barber Green Road that were established by the previous subdivision plats. Those setbacks include a 135-foot building setback from the centerline of Sycamore Road and a 25-foot building setback from the Barber Green Road right-of-way. The maximum site coverage (impervious site coverage) in the existing Planned Development Ordinance is 90%. With the establishment of lots around each of the outbuildings, a few lots may exceed the 90% maximum. It’s recommended the 90% maximum for individual lots be waived, however the maximum site coverage (impervious site coverage) for the entire subdivision should remain at 90%.

**Article 9 “Streets, Sidewalks and Subdivision Design” regarding lots having to front on a public street** With the proposed Lot 2 (Planet Fitness) and Lot 7 (Buffalo Wild Wings/Kay Jewelers) not fronting on a public street, a waiver to this UDO requirement is requested.
Article 10 “Utilities” to permit existing utility connections. The subdivision regulations in the UDO require utility connections to newly created lots. Since the proposed lots already have buildings located on them with utility connections, a waiver is needed for this requirement.

Article 12 “Off-Street Parking, Loading and Storage Requirements” regarding parking setbacks. As with the building setbacks, the creation of lots around the five outbuildings results in some parking setbacks that will be violated. The minimum parking setback in the UDO is 10 feet for lots along a public roadway and 5 feet for interior lots. Maintaining a 10-foot parking setback from the right-of-way of Sycamore Road and Barber Green Road is recommended. It should be noted the Declaration of Easements, Covenants and Restrictions for the shopping center has provisions for cross parking and access easements for all the lots. The Covenants also have provisions for the maintenance of the common areas by the owner, B33 Northland Plaza, LLC, that will ensure the private drives and parking areas are properly maintained.

III. RECOMMENDATION

Sample Motion:

Based upon the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of amendments to Ordinance 2019-004 and to waive provisions of the Unified Development Ordinance and approval of the Final Plat of Northland Plaza Third Resubdivision dated 4-2-20 located along Sycamore Road subject to the amendments, waivers and conditions as indicated on Exhibit A.
Exhibit A

1. The following items shall be addressed on the Final Plat prior to recording:

   a) Include all the existing easements and setbacks as shown on the Final P.U.D. and Plat of Resubdivision of Northland Plaza Resubdivision recorded as Document No. 2003008143 including the 10-foot building setback along the City right-of-way along the south side of the site.

2. Approval of amendments to Ordinance 2019-004 as follows:

   a) Article 5.08 “GC-General Commercial District” regarding building setbacks and maximum site coverage by waiving any interior building setbacks, however maintaining the building setbacks along Sycamore Road and Barber Green Road that were established by the previous subdivision plats. Waive the 90% maximum site coverage (impervious site coverage) for individual lots, however, maintain the 90% maximum site coverage (impervious site coverage) for the entire subdivision.

   b) Waiver to Article 9 “Streets, Sidewalks and Subdivision Design” regarding lots having to front on a public street.

   c) Waiver to Article 10 “Utilities” to permit the existing utility connections for the proposed lots in the resubdivision.

   d) Article 12 “Off-Street Parking, Loading and Storage Requirements” regarding parking setbacks to waive any interior parking setbacks, however maintaining the parking setbacks along Sycamore Road and Barber Green Road that were established by the previous subdivision plats or as required by the UDO.
Final Plat of Northland Plaza Third Resubdivision

BEING A RESUBDIVISION OF NORTHLAND PLAZA RESUBDIVISION NO. 2, BEING A RESUBDIVISION OF LOTS 101, 102 AND 103 IN NORTHLAND PLAZA SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1963 IN BOOK "W" OF PLATS, PAGE 56, AS DOCUMENT NUMBER 330515.

LOTS 1 THROUGH 12, BOTH INCLUSIVE, IN CARRI KLAGES SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 11, 1956 IN BOOK "J" OF PLATS, PAGE 29 AS DOCUMENT NUMBER 293999. 66 FOOT WIDE VACATED PUBLIC ROAD RECORDED MARCH 16, 1964 IN BOOK "W" OF PLATS, PAGE 85 AS DOCUMENT NUMBER 329384 AND PART OF SECTION 12, ALL IN TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.
Final Plat of Northland Plaza Third Resubdivision

BEING A RESUBDIVISION OF NORTHLAND PLAZA RESUBDIVISION NO. 2; BEING A RESUBDIVISION OF LOTS 101, 102 AND 103 IN NORTHLAND PLAZA SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1969 IN BOOK "N" OF PLATS, PAGE 39, AS DOCUMENT NUMBER 320015. LOTS 1 THROUGH 12, BOTH INCLUSIVE, IN CARRIAGE HOUSES SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 11, 1960 IN BOOK "J" OF PLATS, PAGE 29 AS DOCUMENT NUMBER 330009. 66 FOOT WIDE VACATED PUBLIC ROAD RECORDED MARCH 14, 2003 PLAT CABINET & SLIDE 54 AS DOCUMENT NUMBER 3302209165. PART OF PARCEL "B" OF EMMA H. KLAGES FARM PLAT ACCORDING TO THE PLAT THEREOF RECORDED MARCH 16, 1964 IN BOOK "N" OF PLATS, PAGE 83 AS DOCUMENT NUMBER 330056 AND PART OF SECTION 12, ALL IN TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.
Final Plat of Northland Plaza Third Resubdivision

OF PART THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.
Narrative Statement

Petitioner B33 Northland Plaza LLC owns the Northland Plaza shopping center. This is a Planned Development retail shopping center site, originally approved in 2002 and most recently updated through amendment of the Planned Development Agreement in January 2019. At that time Ordinance 2019-004 added certain permitted and special uses to the Planned Development, amended the sign regulations for the site, and re-subdivided the property to create a separate lot for one of the new occupants of the shopping center, Planet Fitness. In this present request, B33 Northland Plaza LLC is seeking to further subdivide the shopping center site to accommodate separate lots within the site for the five smaller buildings located within the shopping center. In so doing, the main larger building will remain as part of its own larger lot, except for the previously divided Planet Fitness lot. The Petitioner believes that the proposed re-subdivision will facilitate more appropriate organization of the property through separation of the lots, and allow businesses an opportunity to own their own separate real estate within the site if desired, which will maximize quality of occupants going forward.

The proposed re-subdivision will create a total of eight (8) lots within the Planned Development. Lot 1 incorporates most of the large multi-tenant shopping center building on the site with the exception of the Planet Fitness carve-out (now to be known as Lot 4). Lot 7 is a detention area. The remaining lots 5, 6, 8, 9 and 10 incorporate the five smaller buildings on the site. The property is subject to reciprocal easement agreements as set forth in the Declaration of Easements, Covenants and Restrictions for the Northland Plaza shopping center dated February 28, 2019, and recorded as Document No. 2019002130 (“REA”). This comprehensive document addresses collective easements on the site, parking area issues, access, drainage, and utility operation for the entire site.

In accordance with the re-subdivision, Petitioner seeks to eliminate building setbacks with respect to these interior shopping center buildings. Petitioner will maintain setbacks as currently fixed relative to Sycamore Road and Barber Greene Road, as depicted on the Plat. No new construction nor other disruption to the existing layout and setup of Northland Plaza is contemplated through this proposed re-subdivision. Accordingly, due to the existing and unchanged location of the buildings, Petitioner hereby requests waiver of the provisions of Article 9, Streets, Sidewalks and Subdivision Design and Article 10, Utilities subparagraph 10.08. This will facilitate existing buildings in place on the new parcels, rather than requiring each lot to have frontage on a public street; and grant relief from building setback requirements which would otherwise be in place and permit the existing utility connections as depicted to stay in place as well. All other UDO standards and requirements are met by the proposed Third Resubdivision as depicted on the Final Plat. Separate connections to the Kishwaukee Water Reclamation District exist for each lot depicted on the Plat. The property’s use (shopping center) remains in compliance with the City’s Comprehensive Plan and this ability to provide separate lots for discrete buildings on the site will benefit the business environment, align with appropriate uses in the area, and further the general public’s health, safety and welfare in accordance with the UDO.

REQUESTING: WAIVERS TO ARTICLE 9 AND SECTION 10.08 OF UDO REQUESTED AND AMENDMENT TO ORDINANCE 2019-004 TO NOT REQUIRE BUILDING SETBACKS OR MAXIMUM SITE COVERAGE FOR PROPOSED LOTS; APPROVAL OF PRELIMINARY/FINAL PLAT OF NORTHLAND PLAZA THIRD RESUBDIVISION, ATTACHED
TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): B33 Northland Plaza, LLC
       Petitioner’s Representative: Foster, Buck, Conlin & Lundgren, LLC
       Mailing Address: 2040 Aberdeen Court, Sycamore, IL 60178
       Phone: 815-758-6616
       Email: kbuck@fosterbuck.com
       Property Owner: B33 Northland Plaza, LLC
       Mailing Address: c/o Alex Ranchero
       1109 1st Ave., Suite 205, Seattle, WA 98101
       Phone: 206-538-0083
       Email: alex@bridge33capital.com

1. The petitioner hereby petitions the City of DeKalb to rezone the following property:

A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:
   Parcel Nos.: 08-12-451-004, 08-12-451-006, 08-12-451-015, 08-12-451-016, 08-12-451-017, and 08-12-451-018
   See attached legal description.

B. Street Address or Common Location: 2444-2560 Sycamore Road, DeKalb, IL 60115

C. Size of Property (square feet or acres): 25.43 acres

D. Existing Zoning: PD-C, Planned Development Commercial, subject to Ordinance 2019-004, Ordinance 2002-045 and 2002-046, Planned Development

E. Proposed Zoning: PD-C Commercial with Amendments to eliminate certain building setbacks and approve Third Resubdivision Plat

F. Reason for request: On a separate document, describe the reasons for the rezoning request and the intended types of land uses, if any, for the property. Also, indicate whether or not the proposed rezoning would: a) be in conformance with the City’s Comprehensive Plan and how the proposed rezoning may: b) impact adjacent existing and future land uses; c) impact adjacent property values; and d) impact the general public’s health, safety and welfare.
2. The petitioner hereby submits the following information:

   Vicinity map of the area proposed for the rezoning

   All files (e.g. site plans, building elevations, legal description, reasons for request) shall be provided electronically on a CD, DVD or flash device that will become part of the application file.

   Petition fee ($500.00).

3. The petitioner hereby states that a pre-application conference ☑ was* ☐ was not held with City staff prior to the submittal of this petition.

   *Date of pre-application conference: December 12, 2019

   Those in attendance: Dan Olson, Bill Nickias, Alex Banchero, and Attorney Kevin Bulick

   (Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

4. The petitioner hereby agrees that this petition will be placed on the Planning Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the information and affirms that it is true and correct.

   
   [Signature]

   Petitioner Signature 3/4/20

   Date

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Rezoning petition as described above (petitioner must sign if they are the owner).

   [Signature]

   Property Owner Signature 3/4/20

   Date
A. APPLICANT

1. Petitioner / Petitioner Representative

Name 833 Northland Plaza, LLC c/o Foster, Buick, Conklin & Lundgren, LLC
Mailing Address 2040 Aberdeen Court
City, State, Zip Sycamore, Illinois 60178
Phone: 815-758-6516
Email: kbuick@fosterbuick.com

2. Property Owner (if different from Petitioner)

Name 833 Northland Plaza, LLC c/o Alex Banchero
Mailing Address 1109 1st Avenue, Suite 205
City, State, ZIP Seattle, Washington 98101
Phone: 415-844-0589
Email: alex@bridge33capital.com

3. Engineer / Architect

Name
Mailing Address
City, State, ZIP
Phone: 
Email: 

4. Surveyor (if applicable)

Name JLH Land Surveying, Inc.
Mailing Address 910 Geneva Street
City, State, ZIP Shorewood, Illinois 60404
Phone: 815-729-4000
Email: john@jlhsurvey.com

B. PROPERTY

1. Subdivision Name Northland Plaza Third Resubdivision

2. Common Address or Location 2444-2550 Sycamore Road, DeKalb, Illinois

3. Parcel #s 08-12-451-004, 08-12-451-006, 08-12-451-015, 08-12-451-016, 08-12-451-017, and 08-12-451-018

4. Legal Description (if necessary, briefly describe here and reference the full legal description on the Plat)

Part of the Southeast Quarter of Section 12, Township 40 North, Range 4, East of the Third Principal Meridian, in DeKalb County, Illinois.

5. Size of the total area being subdivided (sq. ft. or acres) 25.43 acres

6. Proposed Number of Lots Eight (8)

7. Existing Zoning District PD-C Planned Development Commercial

Updated: 9/2019
C. CHECKLIST

Below are the minimum criteria necessary to properly process your application. Each item must be checked by the applicant to signify it is provided on this form or on other attached pages. Failure to submit all required information will result in delays in the City's consideration of this application, per UDO 15.07.1.

<table>
<thead>
<tr>
<th>Item</th>
<th>If not applicable, indicate N/A and explain</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ 1. Filing Fee: $300</td>
<td></td>
</tr>
<tr>
<td>☑ 2. Three (3) copies of Final Plat document</td>
<td></td>
</tr>
<tr>
<td>☑ 3. One (1) copy of any private restrictions, covenants, etc. if such is not provided on the plat document</td>
<td></td>
</tr>
<tr>
<td>☑ 4. One (1) copy of statement on maintenance, operation, restriction, etc. of any common land, open space, etc. if such is not provided for on the plat document</td>
<td></td>
</tr>
<tr>
<td>☐ 5. Six (6) copies of engineering plans for all public improvements, detention areas, etc.</td>
<td>N/A</td>
</tr>
<tr>
<td>☐ 6. Six (6) copies of drainage overlay (Chapter 109, Ill. Rev. Statutes), if not provided within engineering plans</td>
<td>N/A</td>
</tr>
</tbody>
</table>

7. General Information
   ☑ a. Name of subdivision on plat
   ☑ b. Legal description
   ☑ c. Map key
   ☑ d. Compass, scale, date
   ☑ e. Acreage of tract to be subdivided (to 0.01 acre)
   ☑ f. Surveyor's certification
   ☐ g. Utility easement grant and reservation statement
   ☑ h. Name and address of owner(s) of land to be subdivided
   ☐ i. School district information

8. Signature Blocks on Plat Document
   ☑ a. Owner(s)
   ☑ b. Planning and Zoning Commission Chair
   ☑ c. Mayor
   ☑ d. City Clerk
   ☑ e. DeKalb County Clerk
   ☑ f. DeKalb County Recorder

   ☑ 9. Reference to and distance from the nearest known permanent monument
   ☑ 10. Identification system for all lots and blocks along with all street names
   ☑ 11. Dimensions, bearings, angles, radii, etc. of all lot lines, boundary lines, and rights-of-way expressed in feet and decimals of a foot
   ☑ 12. Dimensions and widths of all building setback lines, easements, utility easements, and rights-of-way
   ☑ 13. Description of the material and location at all survey monuments, bench marks, reference corners, etc.
   ☑ 14. Notation of the size of each lot, in square feet or to 0.01 acres

Updated: 9/2019
15. Public utility concurrence statements
   □ a. Kishwaukee Water Reclamation District
      □ b. Electric utility provider
      □ c. Natural gas utility provider
      □ d. Telephone utility provider
      □ e. Cable television provider
   If not applicable, indicate N/A and explain
      N/A

16. Public agency concurrence statements
   □ a. Illinois Department of Transportation
      □ b. DeKalb County Highway Department
      □ c. Applicable drainage district
      □ d. DeKalb Community Unit School District 428
      □ e. DeKalb Park District
      □ f. DeKalb County Health Department
   If not applicable, indicate N/A and explain
      N/A

E. The petitioner hereby agrees this application and plat will be placed on a Planning and Zoning Commission agenda only after it is completed in full.

F. The petitioner hereby agrees to abide by the requirements set forth in the Planning and Zoning Commission Public Hearing Procedures.

G. The petitioner has read and completed all of the above information and affirms that it is true and correct.

Petitioner Signature: [Signature]
Date: 3/4/20

I hereby affirm I am the legal owner (or authorized agent or representative of the owner—proof attached) of the subject property and authorize the petitioner to pursue this request as described above (petitioner must sign if s/he is the owner).

Property Owner Signature: [Signature]
Date: 3/4/20
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Wednesday, April 8, 2020, at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on the petition by B33 Northland Plaza, LLC for approval of amendments to Ordinance 2019-004 and to waive the provisions of Article 5.08 “GC-General Commercial District” regarding building setbacks and maximum site coverage; Article 9 “Streets, Sidewalks and Subdivision Design” regarding lots having to front on a public street; Article 10 “Utilities” to permit existing utility connections and to Article 12 “Off-Street Parking, Loading and Storage Requirements” regarding parking setbacks of the Unified Development Ordinance and other approvals as required in association of approval of the Final Plat of Northland Plaza Third Resubdivision. The subject property is generally located at the northeast quadrant of Sycamore Road and Barber Greene Road with an address range of 2420-2572 Sycamore Road, with PIN’s 08-12-451-004, 08-12-451-006, 08-12-451-015, 08-12-451-016, 08-12-451-017 and 08-12-451-018, and is commonly known as the Northland Plaza Shopping Center. The intent is to create separate lots around the existing five smaller buildings within the shopping center.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 200 South Fourth Street, DeKalb, Illinois, 60115 by 5:00 p.m. on Wednesday, April 8, 2020 or by e-mail to dan.olson@cityofdekalb.com. Further information regarding the petition is available from the Community Development Department at (815) 748-2070 or on the City of DeKalb’s web page at https://www.cityofdekalb.com/1103/Public-Hearings.

Max Maxwell, Chair
DeKalb Planning and Zoning Commission