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. April 22, 2020

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

E. NEW BUSINESS
   1. Public Hearing – A petition by Christa and Matt Gehrke for approval of the rezoning of 421 Grove Street from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and approval of a preliminary and final development plan to accommodate a building contractor’s office and materials storage on the subject site.

F. REPORTS

G. ADJOURNMENT
The Planning and Zoning Commission held a Meeting on April 22, 2020, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:00 PM.

Chair Maxwell stated he wanted to thank everyone for being here tonight, including Commission members who are attending remotely and for those who are watching on Channel 14 or streaming live. He referenced the Governor’s Executive Order in March that allows Commission members to participate remotely. He said member Chris Doe will be joining the meeting remotely by calling in and mentioned for those attending the meeting the room has been set up to meet the CDC recommended distancing guidelines and the Executive Order from the Governor.

A. ROLL CALL

Principal Planner Dan Olson called the roll. Planning and Zoning Commission members present were: Chair Max Maxwell, Steve Becker, Ron Klein, Jerry Wright and Trixy O’Flaherty. Vice Chair Christina Doe attended the meeting remotely by an audio conference call. Commissioner Vicki Buckley was absent. Principal Planner Dan Olson was present representing the City. Attorney Matthew Rose and City Engineer Zac Gill attended the meeting remotely by an audio conference call and were representing the City also.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the April 22, 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. April 8, 2020 – Chair Maxwell requested a motion to approve the April 8, 2020 minutes as presented. Ms. O’Flaherty motioned to approve the minutes as presented. Mr. 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. **Continued Public Hearing** – Petition by Ventus Tech Services LLC for the approval of the rezoning, preliminary and final development plans, and subdivision plat for a data center approximately 505 acres of property generally located east of Route 23 and south of Gurler Road.

Principal Planner Dan Olson noted Attorney Karl Camillucci was present representing Project Ventus. He advised Project Ventus Engineer Matt Fillmore was present via audio conference call as well as City Engineer Zac Gill, and City Attorney Matthew Rose.

Mr. Olson went through the staff report dated April 17, 2020. He noted another public hearing notice was sent out to property owners within 250 ft of the site due to the continuation of the hearing and the addition of a more detailed engineering plans being submitted. He noted the revised plans were more in line with the current Unified Development Ordinance “UDO” requirements for preliminary and final development plans.

Mr. Olson advised the petitioner is requesting approval of the annexation and rezoning of approximately 505 acres of property generally located east of Route 23 and south of Gurler Road to accommodate a data center in an approximately 970,000 sq. ft. facility with an option to expand. He noted the request would change the zoning of the subject site from the “SFR1” Single-Family Residential District to the “PD-I” Planned Development Industrial District. He stated the petitioner also seeks approval of a Preliminary and Final Development Plan and Plat of Subdivision, which are part of the petition, along with the approval of associated development standards for the subject site.

Mr. Olson advised on March 9, 2020 the DeKalb City Council unanimously approved a Pre-Development Agreement with the petitioner, which established the City’s intent to appropriately annex and rezone the subject site. He noted 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. He stated in order 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 include 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. He said on April 2, 2020 the DeKalb County Enterprise Zone approved a Memorandum of Understanding to deliver these benefits to the petitioner within the reciprocal obligations defined by the Enterprise Zone program.
Finally, Mr. Olson noted on April 13, 2020 the City Council approved on first reading the Annexation and Development Agreement with Ventus Tech Services, LLC for the data center. He noted the second reading is scheduled to occur at the April 27, 2020 City Council meeting.

Mr. Olson also stated there will be a public hearing and action by the City Council on the April 27th meeting to approve the vacation of Crego Road between Gurler Road and the southern boundary of the site. Mr. Olson advised after the approval of the annexation, mass grading on the subject site is scheduled to start in early May.

Mr. Olson said the petitioner is proposing an initial investment of more than $800 million to construct the data center facility, with the option to expand in additional phases. He noted the skilled workforce will consist of high wage technology professionals and would include a minimum of 40 high paying jobs.

Mr. Olson mentioned the proposed rezoning request and plan approval will generate new business opportunities and support existing commerce in the surrounding area, while increasing property values and other development opportunities. He noted 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.

Mr. Olson described the main access to the site will be provided by Peace Road at Gurler Road, which will have strict security measures. He stated there will also be access along Gurler Road, Crego Road, and other possible locations on the proposed site as it is developed. He noted there will be an electrical substation to the southwest of the building as well. He stated the vacation of Crego Road is vital and necessary for the data centers security. He advised a new north-south road from Gurler Road to Keslinger Road will be constructed just to the east of the data center site, which will include two 12’ wide driving lanes.

Mr. Olson noted the initial building plan covers approximately 970,000 sq. ft., which will also include the parking and landscaped areas for the project. He advised the majority of the proposed building will be 54 feet in height and just under 57 at the highest point. The maximum height in the Light Industrial and Heavy Industrial Districts is 75 feet.

Mr. Olson advised the landscaping around the perimeter of the initial phase of development will meet the UDO requirements. He noted the plan has landscaping along Route 23, which exceeds the UDO requirements by 30 trees and will include a 20-foot berm to match what is proposed for the Chicago West Business Center to the north.
Mr. Olson advised the recommended setback along Route 23 was increased from 150 feet to 400 feet since the initial draft of the development standards. The 400-foot setback will be consistent with the Chicago West Building Center to the north. He stated a Plat of Subdivision was submitted indicating the creation of one lot for the entire site. He advised the plat 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 Route 23 for the Kishwaukee Water Reclamation District to extend a future sanitary sewer line.

Mr. Olson advised the petitioner requested the construction of additional buildings and improvements be allowed without further zoning review or public hearings if approved by the City Manager. He stated the existing T-intersection at Peace Road and Gurler Road will be reconstructed and made into a roundabout, capable of accommodating year-round truck traffic. He noted there will be intersection traffic control improvements at both ends of Gurler Road adjacent to the project site. He stated the vacation of Crego Road between Gurler Road and the development of a new north-south roadway will be funded from the State’s 2019 Capital Projects Fund. Mr. Olson noted a watermain will be extended to the site, with two 16” water connections being proposed to extend into the subject site during the initial phase. He added a separate water agreement will be provided in the annexation and development agreement, which will ensure an adequate and reliable water supply is provided to the development.

Mr. Olson advised several public comments were received. He stated an email was received from Joseph Gormley, who represents 240 acres of property south of the site. He noted Mr. Gormley had concerns about future access to the property, the vacation of Crego Road, and the value of the property. Mr. Olson discussed the addition of the new north-south roadway, as well as the extension of utilities and upgraded roadways, which will increase the value of adjacent parcels for future development.

Mr. Olson noted since the April 8th Planning and Zoning Commission meeting, the City has received written correspondence from Michael Hammett representing about 120 acres on Crego Road, south of Keslinger Road (1.1 miles from the Ventus site). He advised City staff spoke to Mr. Hammett and he indicated support for the data center, however, had concerns regarding the timing of the vacation of Crego Road in relation to the construction of the new road east of the site. Mr. Olson noted he advised Mr. Hammett of the need for the data center to have Crego Road vacated after the annexation. In addition, Mr. Olson stated to Mr. Hammett there are alternate routes (Rt. 23 and Lynch Road), one can take to get to Gurler Road/Peace Road and I-88.
Mr. Olson advised the City also received a resolution from the DeKalb County Economic Corporation (DCEDC) dated April 10, 2020 indicating their full support for the proposal. He stated the resolution notes, in part, the data center will generate significant economic benefits to the Dekalb County economy in the form of investment, construction, new tax revenue and job creation.

Mr. Olson noted a response form was received from Gerald and Kaye Kempson along Crego Road, stating their concern over the vacation of Crego Road. They were advised the portion of Crego Road adjoining their property will still be accessible.

Mr. Olson advised a letter was received from John and Marlen Norris of 350 Gurler Road, stating their concern for drainage issues along Route 23 and Gurler Road. Mr. Olson stated they were advised both Ferrara Candy Co. and Project Ventus have stormwater management systems that should help improve drainage issues in the area.

Mr. Olson described an email was received from Jamie Walter, CEO of Whiskey Acres Distillery located along Keslinger Road, stating their support for the project and the importance of a new road just east of the site with the vacation of Crego Road.

Finally, Mr. Olson advised letters of support were received from Northern Illinois University, Paul Callighan of 1512 Crayton Circle East, and Jerry Wahlstrom and Sue Elsner of Century 21 Real Estate and were entered into the record.

Mr. Olson stated the proposed data center will be a transformative development that will impact generations of DeKalb County residents. He advised the project will generate new business opportunities and support existing commerce in the surrounding area, while spurring increased property values and other development opportunities. He stated, in addition, the data center will generate significant benefits to the Dekalb County economy in the form of investment, construction, new tax revenue and job creation and staff strongly recommends approval of the project.

Chair Maxwell gave the public an opportunity to speak. He advised several speaker request forms were received, and he would call each participant in the order the forms were received.

Randy Bourdages, of 10315 Keslinger Road, representing Afton Township stated his support for the project. He wanted to thank City staff and City Manager Bill Nicklas for making this project possible. He advised some Township residents had concerns of illegal dumping on and around Crego Road, and he would work with the Township to avoid such issues in the future.
Cohen Barnes, of 234 Greenwood North, representing DCEDC stated he fully supports the project. He advised both Project Ventus and Ferrara are transformative projects that will be a great benefit to DeKalb.

Matt Swanson, president of DeKalb County Building Trades and Laborer's Local 32, stated his organization's full support the project. He stated the data center will be a great benefit to DeKalb and surrounding communities.

Lance McGill, of 3715 Pebble Beach Ct., business representative for the Illinois Union of Operating Engineers Local 150 stated his support for the project. He said he is extremely excited to see the work going on, as well as the berm that will be constructed along Rt. 23.

Chair Maxwell gave the Commissioners a chance to speak.

Mr. Becker stated he believed this is a wonderful project for the community. Ms. O'Flaherty agreed.

Mr. Klein advised he fully supports the project, but always has a concern when large amounts of farmland are developed. He stated he would like to see preservation of some farmland in the community. He also had concerns regarding large farm equipment having access on the new north-south road.

Chair Maxwell stated he believes this will be a transformative project for DeKalb and thanked everyone who came to give their thoughts on the proposal.

Mrs. O'Flaherty moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Zoning Map Amendment, upon annexation, from the “SFR1” Single-Family Residential District to the “PD-I” Planned Development Industrial District and approval of a Preliminary and Final Development Plan and Subdivision Plat as listed in the revised Exhibit A for an approximately 505 acre property generally located east of State Rt. 23 and south of Gurler Road for a data center and accessory uses and subject to the development standards listed in the revised Exhibit B as stated in the staff report and provided to the Commission.

Mr. Wright seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Ms. Doe – yes, Ms. O'Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 6-0-1. Ms. Buckley was absent.

2. **Public Hearing** – A petition by the City of DeKalb to add a definition for “data center” and to add it as a permitted use in the “ORI”, “LI”, and “HI” Zoning Districts and to remove the requirement that only certain specific uses may be
allowed in the “PD-C” and “PD-I” Zoning Districts and to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size.

Principal Planner Dan Olson went over the Staff Report dated April 17, 2020. He advised the City of DeKalb proposes text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to amend several articles of the UDO which are related, in part, to the Project Ventus development. He noted the term “data center” does not appear anywhere in the UDO. He stated an amendment is proposed to add “data center” as a definition and to add it as a permitted use in the Industrial Zoning Districts. He advised a proposed amendment is requested to remove the requirement that only certain specific uses be allowed in the “PD-C” and “PD-I” Districts and an amendment is proposed to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size.

Mr. Olson advised the definition for “data center” was added to Article 3 of the UDO based on the definition provided by applicants of Project Ventus. He advised “data center” was added as a permitted use to the “ORI”, “LI”, and “HI” districts in Article 5. He noted the current language states a development in the PD-I District may only include those uses listed as permitted or special in the “ORI”, “LI” and “HI” Districts. He advised since “data center” is not specifically mentioned in those three zoning districts, an amendment is proposed to remove the word “only”. He stated the change will also be beneficial for future developments to allow for more flexibility of uses to be included in Planned Developments, which often include a mix of uses. He noted the changes are also proposed for the PD-C District.

Mr. Olson advised the request also proposes that all amendments, changes, or revisions to the final plan and plat of a subdivision for any planned development located on parcels of property under common ownership which are at least 500 acres in size, shall constitute minor change and may be authorized by the City Manager or Community Development Director without additional public hearings. He noted the proposed language further states the authorization is contingent upon said amendments, changes, or revisions conforming to the conditions and development standards established in the Ordinance adopted by the City Council governing the planned development.

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

Mr. Becker moved that the Planning and Zoning Commission recommend to the City Council approval of City of DeKalb initiated text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to add a definition for “data center” and to add it as a permitted use in the “ORI”, “LI”, and “HI” Zoning Districts and to remove the requirement that only certain
specific uses be allowed in the “PD-C” and “PD-I” Zoning Districts and to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size as indicated on the attached Exhibit A of the staff report.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Ms. Doe – yes, Ms. O’Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 6-0-1. Ms. Buckley was absent.

3. **Public Hearing** – A petition by NuMed Partners LLC for approval of a special use permit for a “Cannabis Business Establishment” in order to locate an adult use and medical cannabis dispensary at 818 W. Lincoln Hwy.

Jim Hughes, representing Next Generation Development and in partnership with NuMed Partners LLC, stated they are proposing an adult use and medical cannabis dispensary at 818 W Lincoln Hwy. He stated the proposed location was perfect, as it is close to downtown, Northern Illinois University, and has plenty of parking.

Robert Fitzsimmons, representing NuMed Partners LLC, advised he runs a series of companies that are invested primarily in medical marijuana. He stated they will have 6 stores by the end of the year in Illinois and are applying for 36 more locations. He advised they have locations in Peoria, Chicago, and Urbana. He noted they have special programs that mitigate the effect on communities. He stated 75% of orders are done online and they are highly invested in security at their locations. Mr. Fitzsimmons also noted they are strong on the “social equity” program of the cannabis regulations.

Principal Planner Dan Olson went through the staff report dated April 17, 2020. He noted the location is a 6,600 sq. ft. tenant space in The Junction Shopping Center. He advised the tenant space is located in the corner of the shopping center building and was the former location of Book World. He stated the subject site is zoned “LC” Light Commercial District and a “Cannabis Business Establishment” is a special use in that district. He noted “Cannabis Business Establishment” is defined in the UDO as “an adult-use cannabis dispensing organization and a medical cannabis dispensing organization.”

Mr. Olson advised a floor plan indicating the layout of the facility has also been provided. He noted the floor plan and security measures have been forwarded to the Police Department for an initial review. He stated as a condition of approval, staff is recommending a security plan be approved between the Police Department and applicant prior to final occupancy of the tenant space.
Mr. Olson noted there are several requirements in the UDO for “Cannabis Business Establishments”, including setbacks to schools, day care facilities and residential areas. He advised a “Cannabis Business Establishment” cannot be located within 250 feet of the property line of a property zoned or used primarily for residential purposes that contains residential dwelling units. He noted the nearest residential property is an apartment complex to the west and about 315 feet from the proposed tenant space. Mr. Olson advised a “Cannabis Business Establishment” cannot be located within 250 feet of the property line of a nursery school, preschool, primary or secondary school, day care center, daycare home, residential home and an academic building or residence hall of a State University. He advised none of these mentioned uses are within 250 feet of the proposed tenant space.

Mr. Olson stated the parking requirement for cannabis dispensaries in the UDO is the same requirement applicable to “Commercial Service Facility and Retail Sales” uses, which is one parking space per 250 sq. ft. of floor area. He advised they are required to have 167 parking spaces and there is a total of 170 parking spaces provided in the shopping center excluding the lot for Pizza Villa.

Mr. Olson advised on November 25, 2019 the City approved an Ordinance granting the zoning for a medical cannabis dispensary for BQ Enterprises at 700 Peace Road. He noted the State has separate licensing requirements and limits on the number of facilities, however, the Commission’s focus for this request should be on the standards for a special use found in the UDO. The UDO does have a limit of five special use permits for adult use cannabis dispensaries in the City. He stated the City is recommending the applicant obtain a state-issued adult-use and medical cannabis dispensary license for the subject site within one year of approval of the ordinance granting the special use permit.

Chair Maxwell gave the public an opportunity to speak. There were none.

Chair Maxwell gave the Commission an opportunity to speak.

Mr. Wright questioned if NuMed’s other locations are the same size as the proposed location. Mr. Fitzsimmons stated his facilities range in size, with the Chicago location under-sized, at 3,300 sq. ft. He advised Peoria has 8,000 sq. ft. and Urbana is a 7,700 sq. ft. space.

Mr. Wright questioned if the existing customer base in DeKalb will support his business. Mr. Fitzsimmons advised most of his customers are professional workers, due to the price of the product. He stated DeKalb has a large
professional workforce, including NIU employees, that will provide a strong customer base.

Mr. Wright questioned what security measures will be taken. Mr. Fitzsimmons stated the proximity to the police department is extremely beneficial. He advised they haven’t had any security issues with any of their other sites and will work with the police department as much as possible and have provided a security plan to them.

Mr. Becker asked what percent of sales are expected to be recreational. Mr. Fitzsimmons advised he is expecting approximately a 50-50 split between recreational and medical. Mr. Becker questioned how he conducts online ordering. Mr. Fitzsimmons advised the customer must upload a picture of their ID during their purchase and must present the same ID when picking up their product.

Mr. Klein referenced an article (Health Dept. in Northern Illinois) about a study on smoking cannabis. He stated it can impair short term memory, learning intelligence, and that the brain is still developing until the age of 25. He questioned whether Mr. Fitzsimmons agrees with those findings. Mr. Fitzsimmons stated he does agree and would prefer the legal age of use was 25. He stated they have led various studies and programs to promote the positive and safe use of cannabis.

Ms. Doe questioned what the hours of operation would be. Mr. Fitzsimmons stated the state regulates business hours and they typically run 10AM to 6PM. Ms. Doe asked what their plans are regarding excessive customer lines, as seen at other adult-use marijuana facilities. Mr. Fitzsimmons advised they primarily conduct business electronically and inform their customers as such and haven’t had problems with long lines at their other locations.

Chair Maxwell gave public an opportunity to speak. There were none.

Ms. O’Flaherty 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 “Cannabis Business Establishment” - Adult Use and Medical Cannabis Dispensary for the property located at 818 W. Lincoln Highway in the tenant space as shown on Exhibit A and subject to the conditions listed in Exhibit B of the staff report.

Mr. Becker seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – no, Ms. Doe – yes, Ms. O’Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 5-1-1. Ms. Buckley was absent.
F. REPORTS

Mr. Olson advised there are no public hearings scheduled for the May 6, 2020 Commission meeting, so it will most likely be cancelled. He noted the City Council approved the second reading of the J&S Tri-State towing facility special use at their April 13th meeting.

G. ADJOURNMENT

Mr. Klein motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission adjourned at 7:25PM.
TO: Planning and Zoning Commission
FROM: Dan Olson, Principal Planner
RE: Rezoning of 421 Grove St. from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District; Approval of Preliminary and Final Development Plan (Christa and Matt Gehrke)

I. GENERAL INFORMATION

A. Purpose  Zoning Map Amendment from the “CBD” District to the “PD-C” District; Approval of a Preliminary and Final Development Plan to allow for a building contractor’s office and materials storage

B. Owner/Applicant  Timber Creek Properties, LLC/Christa and Matt Gehrke

C. Location and Size  421 Grove St./1.24 acres

D. Existing Zoning and Land Use  “CBD” Central Business District; underutilized office space, indoor storage; parking lot

E. Surrounding Zoning and Land Use  North: CBD and PD-I; Various Commercial Uses, Automotive Repair Commercial Uses, Automotive Repair South: CBD and RC-1; City Hall and Single-Family Residential East: CBD; Theater, Post Office West: CBD; Various Commercial Uses, City Parking Lot

F. Comprehensive Plan Designation  Commercial
II. BACKGROUND AND ANALYSIS

Request/Background

The City has received a rezoning petition from Christa and Matt Gehrke to rezone the property at 421 Grove St. (northwest corner of S. 5th St. and Grove St.) from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District. The applicant is also requesting approval of a preliminary and final development plan. The applicant, Matt Gehrke with Swedberg Associates in Sycamore, is planning to move their contractor’s office and materials storage area to the subject site. Under the current zoning classification (CBD), building contractor’s office with materials storage is not specifically listed as permitted use or special use. In addition, the CBD District currently prohibits outside storage when a principal use. The proposed “PD-C” zoning will allow the applicant to have the building contractor’s office with materials storage. The request also involves a waiver to the Unified Development Ordinance for a Planned Development less than two acres. The City has previous granted similar waivers for the Cornerstone and Plaza DeKalb projects.

The property is 1.24 acres and has a building that is mostly vacant and a parking lot around all four sides. The property has been listed for sale since 2013. The building’s office area is being leased out to three business, however its underutilized. An engineering firm uses space in the building as an occasional field office, an architecture firm has some storage space and there is a pest control operation also in the building. In addition, the current owner rents the interior of the building for vehicle, RV and boat storage. For much of the time, the parking lot is empty throughout the day. If the rezoning is approved, the applicant will close on the property and the current leases will be terminated.

The outdoor materials storage will be located to the north and east of the building (see plan in packet). The applicant is proposing to construct an eight-foot-high fence along S. 5th St. and the rear alley to screen the construction materials that will be stored outside. The applicant has proposed two options for the fence materials. Option #1 consists of treated wood posts with wood framing with corrugated metal. Option #2 is a chain link fence with privacy slats, which provide about 90% screening. Staff would recommend Option #1, which provides a full screen and will be constructed of materials that will last longer and will be compatible with the surrounding area. With the construction of the fence, the applicant will be planting 17 shrubs along the S. 5th St. fence line. In addition, the applicant will be planting 10 shrubs along the S. 4th St. frontage to help increase the landscaping/buffering along that corridor.

There are 18 parking spaces required based upon the formula in the UDO for contractors’ offices and shops. The formula is one parking spaces for every 300 sq. ft. of floor area of sales and office area, one space for every employee on the maximum shift, plus one space for every vehicle customarily used in the operation of the use or
stored on the premises. There will be 2,500 sq. ft. of office floor area, four employees on the maximum shift and six work vehicles used in the operation, which results in 18 required parking spaces. There is a total of 22 marked parking spaces on the lot, outside of the proposed fenced area. The large paved area generally between the building and S. 4th St. will not be striped at this time, as there is potential for a future commercial out-lot in that area.

The staff is recommending some conditions of the approval to bring the site further into compliance with the UDO including re-striping the parking lot, painting the parking lot light poles and adding landscaping along S. 5th St. and S. 4th St.

IV. STANDARDS FOR ZONING MAP AMENDMENT

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 the subject site for commercial use. The property has been listed for sale since 2013. The building’s office area is being leased out to three business, however its underutilized. The proposed use of a building contractor’s office and materials storage is consistent with the Comprehensive Plan and the surrounding area. The proposed outdoor storage area will be screened from view from S. 5th St. by a fence. The proposed rezoning request will allow the redevelopment of a site that has remained mostly vacant and underutilized for seven years.

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

The rezoning of the subject property to PD-C provides the opportunity to more directly shape the development, use and appearance of this property in accordance with the City’s UDO regulations and the Comprehensive Plan. The request involves a waiver to the Unified Development Ordinance for a Planned Development less than two acres, which has been granted in other locations in the downtown area. The proposal will meet all other regulations of the UDO and conditions are made part of the approval that will bring the site further into compliance with the UDO including re-striping the parking lot, painting the parking lot light poles and adding landscaping along S. 5th St. and S. 4th St.

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

The proposed rezoning should not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to a re-use of the property that is complementary with the adjacent area. The PD-C zoning will allow the outside storage of materials which will be screened from adjoining properties by a fence and landscaping.
The applicant will be making improvements to the property including adding landscaping, striping the parking spaces and painting the existing parking lot light poles.

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 currently zoned “CBD” Central Business District. Rezoning the property to “PD-C” will allow the site to have outside storage in conjunction with the contractor’s office. The rezoning will allow for flexibility by the applicant to develop the property in a manner that will be compatible with the surrounding neighborhood.

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

Adequate public services are already provided to the subject property. There is a total of 22 parking spaces on-site and 18 spaces are required. In addition, the subject property lies within adequate service areas for other City services, such as police and fire protection.

V. PUBLIC INPUT

As of May 15, 2020, there has been no comments submitted to the City from the public regarding the proposal.

VI. RECOMMENDATION

Sample Motion:

Based upon the submitted petition and testimony presented, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Zoning Map Amendment from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District; approval of a waiver to the Unified Development Ordinance for a Planned Development less than two acres and approval of a preliminary and final development plan to accommodate a building contractor’s office and materials storage on the subject site at 421 Grove St. per the plan dated 5-15-20 and labeled as Exhibit A, Fence Detail Option #1 labeled as Exhibit B and per the conditions listed in Exhibit C.
Exhibit C – Conditions

1. The storage of all materials must occur indoors or within the eight (8) foot high fenced area as shown on Exhibit A.

2. No stacking of construction materials higher than eight (8) feet.

3. The following items shall be completed within 30 days after final occupancy of the building. The time frame may be extended with the City Manager’s approval.
   a. Removal of the large bush in front of the handicap accessible parking space.
   b. Stripe the required number of parking spaces (22) in compliance with the preliminary and final development plan labeled as Exhibit A, and per the Unified Development Ordinance, the City of DeKalb Municipal Code and the Illinois Accessibility Code.
   c. Clean up the existing landscape areas and remove underbrush, including the area of the former 18” Spruce as shown on the preliminary and final development plan labeled as Exhibit A.
   d. Plant a minimum of 17 shrubs (mix of deciduous, decorative and evergreen) along the fence line adjacent to S. 5th St. as shown on the preliminary and final development plan labeled as Exhibit A.
   e. Plant a minimum of 10 shrubs (mix of deciduous, decorative and evergreen) along the S. 4th St. frontage as shown on the preliminary and final development plan labeled as Exhibit A.
   f. Paint the parking lot light poles.
EXHIBIT A

Block 3 23 Original Parcel 5
18" Vacated Alley Per Doc. # 405095 & 407499
174.48"

Town of

131.67'
56.52'

Fence on Wall

Fence on Wall

Bituminous Surface

Bituminous Surface

1 Story Masonry Commercial Building

1

SR 30

PROPOSED FENCE - 8' tall

17 Shrubs

10 Shrubs

Line Indicated FENCE REQUEST LOCATION

Parking Spaces Required - 18; Parking Spaces Provided - 22
TO: City Council, City Clerk, and Mayor of the City of Dekalb, Illinois

FROM: Petitioner Name(s): JAMIE GHEHKE Phone: 815-739-6893
Petitioner's Representative: JAMIE GHEHKE Email: mgehke@mididentify.com
Mailing Address: 1336 E. IL 100

Property Owner: TIMBER CREEK ESTATE Phone: 815-773-1452
Mailing Address: 1498 TIMBER CREEK Rd. Email: db переводчик@mididentify.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: PLEASE SEE ATTACHED

B. Street Address or Common Location: 421 GROVE STREET

C. Size of Property (square feet or acres): 1.24 ACRES

D. Existing Zoning: CBD CENTRAL BUSINESS DISTRICT

E. Proposed Zoning: PDC PLANNED DEVELOPMENT COMMERCIAL

TO ACCOMMODATE BUILDING CONTRACTORS OFFICE & MATERIAL STORAGE

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 ☐ was not held with City staff prior to the submittal of this petition.

*Date of pre-application conference: 1-17-20 ON SITE

1-29-20 IN CITY OFFICE

Those in attendance: BILL NICKLAS, DAN OLSEN, MATT GENTRY

(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.

Matthew D. Beeke
Petitioner Signature

4-28-20
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).

Tim Weber - Timber Creek Properties
Property Owner Signature

April 29, 2020
Date

I HAVE A CONTRACT TO BUY SAID BUILDING.

I DO NOT OWN IT YET. —MB

Updated: 2/2019
Rezoning Petition
April 30, 2020
To: City Counsel, City Clerk, and Mayor of DeKalb
Attention: Dan Olsen

Reason for Request:

My wife Christa and I would like to move our 90+ year old Construction Company to DeKalb IL. I was raised here, Christa and I met here. We both went to NIU. Currently our farm is in DeKalb and our kids attend school here. We recently attained 100% Ownership of Swedberg and Associates currently located in Sycamore. I have been an owner for nearly 10 years. In that time, we have increased our share almost 400% We are a growing Construction Company that is looking to continue growth. The location of 421 Grove Street looks to be an ideal place for us to do business. The office space attached to the connected warehouse is perfect for our operation and gives us room to grow into. However, that being said, there is one lack of space. Outside storage. We would like to build a fence from the southern most face of the building North along Fifth Street to encompass the entire lot east and north of the current building footprint. We want to be good neighbors but need a little extra room to park trailers, trucks Construction Machines, etc.

Additional Information from Petition Request:

a. We believe this use is still in accordance with the City of DeKalb’s Comprehensive Plan.
b. We believe there to be no impact on adjacent land uses now or in the foreseeable future.
c. We believe this will have a positive impact on adjacent land values as we will rehab a derelict structure which has been empty for years.
d. By adding a construction Company to the heart of DeKalb, there will be a benefit to the welfare of the cities population. We will bring jobs to the area. We will purchase goods in the vicinity. We will add minimal traffic to the area as our construction crews work off site.

Thank you for your time. We hope to become great neighbors and extend relationships within the community.

Matthew H. Gehrke
President
Swedberg and Associates, Inc.
815/895-9116
815/739-6293
mgehrke@swedbergs.com
Since 1927
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, May 20, 2020, at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on the petition by Christa and Matt Gehrke for approval of the rezoning of 421 Grove St. from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and approval of a preliminary and final development plan to accommodate a building contractor’s office and materials storage on the subject site. Consideration to approve a waiver to the Unified Development Ordinance for a Planned Development less than two acres is also requested and other approvals as required for the subject property to allow for the development as proposed. The subject site is 1.24 acres and has PIN’s of 08-23-302-024 and 08-23-302-013 and is commonly known as 421 Grove St., DeKalb, IL.

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 4:00 p.m. on Wednesday, May 20, 2020, by e-mail to dan.olson@cityofdekalb.com or the Online Public Comment Submission Form at https://www.cityofdekalb.com/FormCenter. 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