AGENDA
Planning and Zoning Commission
June 19, 2019
6:00 PM

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES

  1. April 3, 2019, May 8, 2019

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

E. NEW BUSINESS

  1. Public Hearing – Petition by RLDR, LLC for a special use permit for a video
gaming establishment in the “GC” General Commercial District to be located
at 122 East Hillcrest Drive.

F. REPORTS

G. ADJOURNMENT
MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
April 3, 2019

The Planning and Zoning Commission held a Meeting on April 3, 2019 at the City of DeKalb Municipal Building, 200 S. Fourth St., DeKalb, Illinois. Chair Christina Doe called the meeting order at 6:00 PM.

A. ROLL CALL

Principal Planner, Dan Olson, called the roll. Planning and Zoning Commission members present were Chair Christina Doe, Katharina Barbe, David Castro, Max Maxwell, and Jerry Wright. Commissioners Vicky Buckley and Ron Klein were absent.

City staff present was Principal Planner, Dan Olson.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Christina Doe requested a motion to approve the April 3, 2019 agenda as presented. Ms. Barbe motioned to approve the agenda as presented. Mr. Maxwell seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

February 20, 2019 – Mr. Maxwell motioned to approve the minutes, 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. Public Hearing – Petition by McDonalds represented by Joe Coconato of McDonald’s USA, LLC for approval of an amendment to Ordinance No. 00-28 to allow for the remodeling of the existing restaurant and to provide updates to the parking lot and drive through and approval of a variance to reduce the parking setback along the western property line for the subject site located at 806 West Lincoln Highway.

Dan Olson of Watermark Engineering representing the petitioner stated the petition is to update the parking lot and to seek an amendment to the special use permit. He noted the driveway locations will remain the same as well as
the parking lot circulation, but the main updates involve ADA compliance and expanding the drive through to two lanes. He stated the parking will be reduced from 78 to 71 spaces; however the number of required parking spaces is 51. Mr. Olson (Watermark Engineering) said there are ADA updates toward the front of the building as well as changes related to the mobile orders. He stated the setback variance is for the new parking stalls along the west side of the property. He said the existing parking spaces along the west property line are setback 1.2 feet, and the proposed parking setback will remain the same with the new stalls added. He said the variance is needed because the parking setback per the UDO is 5 feet. Mr. Olson (Watermark Engineering) stated there will be some changes to the building elevations, as well as new windows installed and updates to the interior décor. He said there will also be interior updates for ADA compliance, especially with the restrooms.

City Planner Dan Olson stated the applicant is proposing to amend Ordinance No. 00-28 to allow for the remodeling of the existing McDonald’s restaurant and to seek a setback variance. He mentioned that Ordinance No. 00-28 had approved a special use permit for the restaurant and had a specific site plan and building materials noted in it. He said the applicant is looking to update the building facade by eliminating the mansard roof and extending the parapet wall up to create a flat roof and updated materials and signage. Planner Olson also said site work will consist of ADA compliance items such as repairing/replacing the sidewalks, walkways, ramps, adding parking stalls along the west property line and to add two drive-thru lanes at the menu board. Planner Olson noted a fire hydrant in the middle of the sidewalk along W. Lincoln Highway will be re-located, in addition to some minor work inside the restaurant.

Planner Olson noted the restaurant will be open 24 hours a day with the lobby closing at around midnight. He stated there are currently 78 parking spaces on-site and with the proposed modifications, there will be 71 spaces. He added there are 51 required parking spaces according to the UDO. He stated the applicant will donate $5,000 for updated street lighting along Lincoln Highway which has been done before with the Casey’s and Pizza Hut.

Planner Olson summarized the findings of fact for variations, as noted in the staff report. He said installing the new parking spaces at the five-foot minimum setback along the west property line would push the parking spaces into the drive-aisle causing a hazard. He also added the new parking stalls are a necessity for the drive through operation and the strict enforcement of the parking setbacks would impede the operations of the restaurant. Planner Olson noted the existing conditions are not a result of the applicant, and the subject site’s dimensions have been in place for decades and causes a hardship in meeting the setback requirements.
Planner Olson stated there was a citizen response form from James Mason, who is a nearby property owner. He stated Mr. Mason indicated his support for the request.

Chair Doe opened to public comment. There was none.

Mr. Maxwell asked if there were any changes to the ground signage. Mr. Olson (Watermark Engineering) stated there would not be. Mr. Castro asked about the driveways and if there was anything stopping drivers from using the outer driveway to go through the site. Mr. Olson (Watermark Engineering) confirmed there was nothing to stop them, but it’s not intended to be used that way. Mr. Castro noted that he had an issue with the word “donate” in relation to the $5,000 for street lighting and would prefer it to be categorized as a contribution. Ms. Barbe stated the parking lot is dangerous and drivers have to dodge other cars and pedestrians. She stated a concern about the double drive through as it would be more dangerous. Mr. Olson (Watermark Engineering) shared her concern but stated because the subject property is narrow, there are few options. He added the applicant is aware of these issues and want customers to be safe entering the building also. Mr. Olson (Watermark Engineering) mentioned there will be crosswalk into the building to help signal to vehicles to slow down. He also said that on the east side of the building a cross walk has been adjusted to help get pedestrians on the sidewalk quicker and into the building.

Mr. Wright asked about the proposed sidewalk materials and if there will be a change in the footprint of the building. Mr. Coconato affirmed that it will be concrete and there will be no changes to the footprint of the building. Mr. Wright also asked about whether or not the store would remain open during construction. Mr. Coconato responded they are planning a four-week closure inside the lobby and that the restrooms will be open for the employees. He added the drive-through will stay open during construction. He stated construction fencing and signage will be installed indicating to customers that the lobby is closed but the drive through is open.

Chair Doe asked about the use of the lot as a short-cut and how to make it safer and if it was possible to add speed bumps to slow traffic down. Mr. Coconato stated the reason they do not have speedbumps is because of snow removal, but it’s something they can look into. Chair Doe asked about the height of speed bumps. Planner Olson stated there could be speed tables or bumps but the City rarely uses them and are not used in public parking lots. Mr. Coconato suggested putting in a speed limit sign to slow drivers down. Chair Doe asked about the guardrail and the striping, suggesting there should be reflector striping on the walkway. Mr. Maxwell suggested there should also be reflective and/or illuminated signage.
Chair Doe asked about the construction and whether or not there would be signage. Planner Olson stated the public sidewalk would be kept open and the drive-through would have signage. Chair Doe asked for additional wall signage on the west side of the building, which will help identify the restaurant.

Mr. Castro asked about the side door that locks on the outside of some McDonalds. Mr. Coconato stated it was for security reasons and to prevent people from entering bathrooms unseen. Mr. Wright asked about the access to the crosswalk from the lot. Mr. Coconato stated they will be restriped. Mr. Maxwell asked if there were any barriers that protect people walking on the sidewalk. Mr. Olson (Watermark Engineering) stated that it would be restriped. Mr. Maxwell suggested signage that would direct pedestrians to use the crosswalk. Mr. Coconato said that could be done.

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

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

Mr. Castro thanked the Commission and the applicant for the productive discussion. Chair Doe and Mr. Wright agreed.

Mr. Maxwell made a motion to recommend to the City Council approval of an amendment to Ordinance No. 00-28 to allow for the remodeling of the existing restaurant and to provide updates to the parking lot and drive through on the subject site located at 805 W. Lincoln Highway per the plans listed on Exhibit A and per the conditions listed on Exhibit B. Seconded by Mr. Wright.

A roll call vote was taken. Ms. Barbe – yes, Mr. Castro – yes, Mr. Maxwell – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 5-0-2. Ms. Buckley and Mr. Klein were absent.

Mr. Maxwell made a motion to approve a variation to reduce the parking setback along the west property line from 5 feet to 1.2 feet as shown on the Geometric Plan (Sheet C-2) dated 1-18-19 prepared by Watermark Engineering Resources, LTD. Seconded by Ms. Barbe.

A roll call vote was taken. Ms. Barbe – yes, Mr. Castro – yes, Mr. Maxwell – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 5-0-2. Ms. Buckley and Mr. Klein were absent.

F. REPORTS

Mr. Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, April 17th, and there are currently no public hearings scheduled.
G. ADJOURNMENT

Mr. Wright motioned to adjourn, Mr. Maxwell seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 6:58 pm.

Respectfully Submitted,

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on June 19, 2019.
The Planning and Zoning Commission held a Meeting on May 8, 2019 at the City of DeKalb Municipal Building, 200 S. Fourth St., DeKalb, Illinois. Chair Christina Doe called the meeting order at 6:01 PM.

A. ROLL CALL

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

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

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Christina Doe requested a motion to approve the May 8, 2019 agenda as presented. Ms. Barbe motioned to approve the agenda as presented. Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

March 20, 2019 – Mr. Klein motioned to approve the minutes, Mr. Maxwell seconded the motion, and the motion was approved by unanimous voice vote.

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

None

E. NEW BUSINESS

1. Public Hearing – Petition by the DeKalb Park District represented by Mat Emken for approval of an amendment to Ordinance No. 98-75 to accommodate a new landscape plan along South 4th Street for the DeKalb Park District Sports and Recreation Center located at 1765 South 4th Street.

Mat Emken, Superintendent of Parks and Development for the DeKalb Park District, stated they would like to amend Ordinance No. 98-75 to allow for an updated landscaping and berm plan for the Sports and Recreation Center located at 1765 S. 4th St.
Mat noted Ordinance No. 98-75 required the District to plant one deciduous tree, one evergreen tree, and four shrubs for every 50 feet of frontage along the yard along S. 4th St. He stated the current landscaping has not become very welcoming or particularly striking and has become a maintenance issue for the District and a visibility problem for motorist. Mr. Emken added the berm will be reduced from six feet to 18 inches and setback five feet from the sidewalk.

Principal Planner Dan Olson went over the staff report dated May 3, 2019 and stated the Ordinance required a six foot high berm to be established in the buffer yard along S. 4th St. that would ensure for a well-screened facility from the single-family homes across S. 4th St. He stated the construction of the berm and installation has caused maintenance issues because of the extreme slope of the berm, and the District has received multiple complaints over the years from residents indicating it's an eyesore and causes visibility issues.

Chair Doe opened up the hearing to public comment. There was none.

Ms. Barbe stated she would like to see something done about the landscaping and that her children have participated in activities at the Rec. Center. Mr. Klein stated he agreed work should be done on the berm and landscaping and likes the new plan.

Mr. Castro asked Mr. Emken if this proposal has already been approved by the DeKalb Park District Board. Mr. Emken affirmed that it had. Mr. Castro asked about the screening intent with the original plan compared to the new plan. Mr. Emken stated the proposed landscaping and berm will still offer adequate screening.

Ms. Buckley, Mr. Maxwell, and Chair Doe stated they believe the proposed amendment and new plan will be an improvement to the appearance of the berm and landscaping.

Chair Doe gave the public one more opportunity to speak. There was none. Chair Doe closed the public hearing. Chair Doe asked if the Commissioners had any more questions or comments.

Mr. Maxwell made a motion to recommend to the City Council approval of an amendment to Ordinance No. 98-75 to approve a new landscape plan along S. 4th Street for the DeKalb Park District Sports and Recreation Center located at 1765 S. 4th Street for the DeKalb Park District Sports and Recreation Center located at 1765 S. 4th Street per the Landscape Plan (Sheet L1.0) dated 4-19-19 prepared by Upland Design, LTD and labeled as Exhibit A in the staff report. Seconded by Ms. Buckley.
A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Wright was absent.

2. Public Hearing – Petition by MT Nest, LLC represented by Thomas Schmidt, Owner, for a special use permit in the “CBD” Central Business District for an outdoor patio/deck for the property located at 241 and 249 East Lincoln Highway (Hometown Sports Bar and Grill).

Tom Schmidt of 353 Landstone Dr., Batavia stated he is the owner of Hometown Sports Bar and Grill. He mentioned the petition is to build a patio/deck for the property he is expanding the bar into and he explained where the patio will be and how it will be related to the operation of the business.

Principal Planner Dan Olson went over the staff report dated May 3, 2019. He stated the sports bar had been approved for a preliminary development incentive agreement by the City Council in December 2018, which was related to the proposed redevelopment of their property. He said the City Council approved a final tax increment financing incentive agreement in March 2019 to allow for the expansion. Mr. Olson continued by mentioning a special use permit is required for an outdoor patio/deck. He stated the current Hometown Sports Bar and Grill is approximately 2,800 square feet and the expansion into 249 E. Lincoln Highway is approximately 2,068 square feet, resulting in a combined space of 4,868 square feet. He said the proposed patio/deck will be elevated and will be approximately 500 square feet in area and proposed to be at the rear of the building at 249 E. Lincoln Highway. The patio/deck will include tables and chairs as well as areas to stand for patrons and will accommodate approximately 25 people. Mr. Olson said there will be one door leading from the restaurant/bar to the patio/deck and will stay open to match the hours allowed for the bar, per the City’s liquor regulations.

Mr. Olson stated the proposed patio/deck will look out over Palmer Ct. and will face the south wall of the adjacent Debutantes School building, the wall of the Hometown Sports Bar to the west and the wall of Thai Pavilion to the east. He said there are no windows that will face the outdoor patio/deck and there are no apartment units that will be directly adjacent to the patio/deck. He also stated the outdoor seating areas serving alcohol must be fully enclosed by walls or fences constraining the movement of patrons with entrances monitored by the business owner. Mr. Olson said the plans submitted by the applicant show stairs leading down from the elevated patio/deck to Palmer Ct. Mr. Olson noted a one-way gate with an “Exit Only” sign will be required at the top of the stairs so patrons will have to enter the restaurant/bar along E. Lincoln Highway. He stated the proposed special use meets all standards of a special use in the UDO.
Chair Doe opened the hearing up to public comment.

Tom Rogers, owner of the adjacent Debutantes School building stated he was in strong support of the project, believes the owner runs a good business and hopes to see it passed.

Mr. Maxwell asked about speaker systems that will be in the patio/deck area. Mr. Schmidt stated there will be a speaker system however they will control it. Mr. Maxwell stated he was simply worried about it possibly echoing off the walls. Ms. Buckley stated she had no concerns with the proposal. Mr. Castro asked about the property immediately east of Hometown Sports Bar. Mr. Olson stated the property in question is where Mr. Schmidt is currently restoring and expanding into, and that it was not currently occupied. Mr. Castro asked about the building code and safety regulations, including the one set of stairs to get up to the patio/deck. Mr. Olson stated the “do not enter” gate will be for people leaving the premises and will not be able to be used to enter.

Ms. Buckley asked about the height of the railing around the patio/deck. Mr. Schmidt stated it would be about 42 inches. Mr. Olson clarified 42 inches is the minimum height in the building code for the railing.

Mr. Klein asked about when the patio would be open during the year. Mr. Schmidt stated currently it was planned for just the summer months, but he was interested in expanding it to three seasons if the patrons prefer. Ms. Barbe asked about customers exiting the patio/deck. Mr. Schmidt stated it would still be attended by waiters who would monitor as people come and go. Ms. Barbe asked if there was anything preventing patrons from entering through the patio/deck. Mr. Schmidt stated he will try to do his best in preventing people from entering that way.

Chair Doe stated she believes the outdoor patio is a great idea. Mr. Castro asked Mr. Schmidt if he was going to have security cameras. Mr. Schmidt stated he would have security cameras. Chair Doe asked about cars at the rear of the property off of Palmer Ct. Mr. Schmidt responded it is used for a parking area and the area is part of his property.

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

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

Mr. Klein made a motion to recommend to the City Council approval of a special use permit for an Outdoor/Patio Deck on the subject site located at 241 and 249 E. Lincoln Highway as shown on the floor plan (Sheet A1) dated
3. **Public Hearing** – Petition by Kevin and Melissa Lovell for approval of a Zoning Map amendment from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and approval of a Planned Development Preliminary and Final Plan for a .53 acre site located at 424 East Lincoln Highway (Lovell’s Discount Tire) in order to expand the existing tire service to include full vehicle repair services. Consideration is also requested to approve waivers to the Unified Development Ordinance.

Richard Larson of 12285 Fairview Dr. stated he is an attorney representing the Lovell’s. He mentioned the petitioners are requesting a Zoning Map Amendment from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and an approval of a Planned Development Preliminary and Final Plan for the .54 acre site. Mr. Larson stated they are requesting waivers to the UDO for parking setbacks, landscaping requirements, maximum site coverage, and a Planned Development less than two acres. He stated the proposed work will enhance the appearance of the corner and the owners are ready to accommodate any reasonable requests from the City staff.

Principal Planner Dan Olson went over the staff report dated May 3, 2019 and stated Lovell’s Discount Tire started in 1987 and the current building was constructed in 1998. He stated the “CBD” District currently has a few prohibitions, including “Vehicle Repair and/or Service Facilities.” Mr. Olson noted the petitioners would like to expand the services offered on the property, but services such as mechanical overhauling, paint and body work, or oil changes are currently prohibited. He stated the applicant desires to add services allowed under the definition for “Vehicle Service Facility,” which will include the existing tire service, oil changes, and minor repairs such as brake, muffler, exhaust and shocks services. He stated the existing business pre-dates the current UDO, so Lovell’s is considered a legal non-conforming use, and is subject to restrictions. Mr. Olson said restrictions will be placed on the site regarding where vehicle repair work can occur, limitations on inoperable vehicles, and not allowing outside storage or display of materials.

Mr. Olson noted the applicant applied for a similar request and was recommended for approval by the Commission in 2013, but the petition was withdrawn by the applicant prior to City Council consideration. He stated since then, the owner has acquired and demolished a small building and has continued to investigate costs for finalizing site improvements. Mr. Olson
noted in July, 2018, the City Council approved of a TIF agreement for planned improvements, including the complete resurfacing of the parking lot, IDOT required improvements in the right-of-way of E. Lincoln Highway and the S. 4th St. and the continuation of the streetscape along the frontage of the project. He added the agreement was contingent upon the applicant applying for and receiving PD-C zoning designation within six months of approval of the agreement. Mr. Olson said in January 2019, the City granted a six-month extension to July 23, 2019.

Mr. Olson stated the project involves resurfacing the entire parking lot and redesign it by adding additional parking spaces, landscaping, streetscape improvements, and installing a new ground sign. He said currently there are 19 parking spaces and the proposed improvements will increase it to 23 spaces. He said they also provided a landscape plan, which will provide more shade trees/shrubs along the E. Lincoln Highway/ S. 4th St. frontage. Mr. Olson added the new parking spaces, except the handicap space, will meet the 10-foot setback requirement, and the existing parking spaces along the east property line will remain. Mr. Olson stated the applicant asked for a waiver to the UDO regarding parking setbacks, landscaping requirements, maximum site coverage, and a Planned Development less than two acres. Currently, the UDO requires parking spaces and access drives be a minimum of 10 feet from the property line (right-of-way) adjoining the public street. He stated a waiver is asked for the required landscaping in the setback areas along E. Lincoln Highway and the east property line. He added there is not enough room to plant the required vegetation, thus a waiver is justified. Mr. Olson stated for “PD-C” zoned sites, the maximum site coverage allowed is 70% and the site coverage is about 95%. He stated a waiver is needed since the building and most of the parking lot is existing and currently exceeds the maximum site coverage allowed. He also noted the UDO requires Planned Developments be over 2 acres, but the subject site is .54 acres. Mr. Olson mentioned the City has waived this requirement in other recent projects, including Cornerstone, Plaza DeKalb, 1114 Blackhawk Road (Sigma Nu Fraternity) and Pizza Hut.

Mr. Olson went through the staff report and stated the proposed rezoning meets all standards of a rezoning as required in the UDO as well as the standards for a planned development. He noted as of May 3, 2019, the City has not received any public comment regarding the proposal.

Chair Doe opened the hearing up to public comment. There was none.

Mr. Maxwell encouraged the expansion of a local business. Ms. Buckley stated she thinks it will be a good improvement. Mr. Castro asked about the landscaping plan and width needed for the plantings along E. Lincoln Highway. Mr. Olson clarified there was not enough room for certain landscaping in this area. Mr. Castro asked about the parking situation and
expressed his concern about the closeness of the parking spots to the exit/entrance along S. 4th St. Mr. Castro noted he had concerns about the full access on S. 4th St. and the proximity to the intersection. Kevin Lovell stated there has not been issues with the parking and the S. 4th St. exit/entrance that he is aware of and it has become better over the years. Mr. Lovell stated this was grandfathered in because of the existing business and IDOT had reviewed it and had no problems. Mr. Olson noted the access to S. 4th St. has been discussed before and although not ideal, it has not caused a safety issue and IDOT did not object to it.

Ms. Buckley asked if the business was a “high-traffic business.” Mr. Lovell stated it will be the same volume, just more services offered. Mr. Klein noted this would be a great improvement and Mr. Lovell has a great business reputation. Ms. Barbe stated this is an intersection which she tries to avoid, but the proposed improvements will make it better. Mr. Castro stated the project is highly beneficial to the intersection and asked Mr. Olson if he felt it would be better. Mr. Olson responded because it’s an existing site, there is not much the City can do to remove all non-conformities but the proposed improvements will definitely improve the appearance of the business and the intersection.

Chair Doe stated she shares the same concerns but agreed this would be an improvement to the intersection. Chair Doe asked the City to investigate the two-lane merge on Lincoln Highway before the train tracks. Mr. Olson noted this was an IDOT issue and not the City.

Chair Doe gave the public one more opportunity to speak. There was none. Chair Doe closed the public hearing. Chair Doe asked if the Commissioners had any more questions or comments.

Ms. Barbe moved to 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 and approval of a Planned Development Preliminary and Final Plan for the subject site located at 424 E. Lincoln Highway in order to expand the existing legal non-conforming tire service to include uses allowed under “Vehicle Service Facility” as defined in the UDO, an indoor car wash operation and all permitted uses in the “CBD” Central Business District per the Planned Development Preliminary and Final Plans and Development Standards listed in Exhibit A in the staff report and subject to all staff comments being addressed prior to final City Council action as listed in Exhibit B in the staff report. Seconded by Mr. Maxwell.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Wright was absent.
F. REPORTS
Mr. Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, May 22\textsuperscript{nd}, and there is one item for discussion scheduled. He also went over the approvals by the City Council on April 8\textsuperscript{th} and 22\textsuperscript{nd} of petitions that went through the Commission.

G. ADJOURNMENT

Ms. Barbe motioned to adjourn, Mr. Maxwell seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 7:18 pm.

Respectfully Submitted,

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on June 19, 2019
TO: DeKalb Planning and Zoning Commission  
FROM: Dan Olson, Principal Planner  
RE: Special Use Permit for a Video Gaming Establishment at 122 E. Hillcrest Dr.

I. GENERAL INFORMATION

A. Purpose  Approval of a Special Use Permit for a Video Gaming Establishment at 122 E. Hillcrest Dr.

B. Location/Size  122 E. Hillcrest Dr./.66 acres

C. Petitioner  RLDR, LLC represented by Rasim Spajoski “Simo”

D. Existing Zoning  “GC” General Commercial District

E. Existing Land Use  Multi-Tenant Commercial Building

F. Proposed Land Use  Multi-Tenant Commercial Building with addition of Video Gaming Establishment

G. Surrounding Zoning and Land Use  
   North: GC and LC; gas station, various commercial uses, day care center  
   South: LC; auto repair, chiropractor  
   East: MFR1; multi-family residential;  
   West: GC and LC; vacant lot, various commercial uses

H. Comprehensive Plan Designation  Commercial
II. BACKGROUND AND ANALYSIS

The applicant, RLDR, LLC represented by Rasim Spaijoski “Simo”, is proposing to establish a “Video Gaming Establishment” in a 1,566 sq. ft. tenant space in a multi-tenant commercial building located along the south side of E. Hillcrest Dr., just east of N. 1st St. The address of the proposed tenant space is 122 E. Hillcrest Dr. The subject site is .66 acres and zoned “GC” General Commercial District. A “Video Gaming Establishment” is a special use in the “GC” District. Simo is the owner of Fanatico’s Restaurant on Blackhawk Road and intends to be the operator of the proposed video gaming establishment.

The building on the site is 8,428 sq. ft. and the video gaming establishment will be located at the eastern portion of the building in a 1,566 sq. ft. tenant space. There are four other tenants currently located in the building including a pet groomer, beauty supply shop, barbershop and tobacco store. A thrift store previously occupied the space several years ago where the proposed video gaming establishment will be located. There is a total of 35 parking spaces on the subject site and per the UDO standards there are 34 spaces required. The applicant has provided a description of the proposed operation and how they believe it will be a benefit to the neighborhood and community (included in packet).

On March 1, 2018, the existing number of liquor licenses for gaming establishments was seven, but within two months, three City Council actions were taken to expand that number to 10, including the following:

- Maisy’s at 854 S. Fourth Street
- Fatty’s at 1221 W. Lincoln Highway, and
- Fanatico’s at 110-124 E. Hillcrest Drive (Subject Site)

Each of these three vendors needed to file a license application within 30 days and had six months to obtain the licenses and a special use permit. Maisy’s along S. 4th St, eventually satisfied all the City’s requirements and recently opened. Fatty’s was issued a conditional liquor license for their proposed new building to be located on the north side of W. Lincoln Highway, but have not submitted the necessary zoning and plan applications. Fanatico’s was unable to follow through within the required timeline and so its application became null and void. The applicant recently indicated an interest to pursue the re-approval of the video gaming establishment. On May 13, 2019, the City Council approved an amendment to the Municipal Code to allow for an increase in the fixed number of liquor licenses for video gaming establishments to allow for the use on the subject site. One of the conditions of the Council’s approval was the granting of a special use for the video gaming establishment.

The applicant is proposing to have the video gaming establishment open seven days a week and to follow the hours allowed for a video gaming establishment in the City Liquor Code. The Code allows the following operating hours: Monday-Wednesday 6:00 AM to 1:00 AM, Thursday-Saturday 6:00 AM to 2:00 AM and Sunday 10:00 AM to 1:00 AM. The applicant has indicated
hard alcohol will not be served and they will only serve soft beverages, wine, beer and snacks. For Maisy’s along S. 4th St. the Planning and Zoning Commission recommended the sale of alcohol not occur at the establishment before 10:00 a.m., Monday through Sunday. The applicant is aware of this condition established for Maisy’s and is willing to abide by the same standard if the Commission wishes to recommend it for the subject site.

With the recommendation for Maisy’s the Commission also restricted the amount of advertising related to the sale or presence of alcohol or video gaming. The Commission approved with Maisy’s that wall signs were to be limited to the west building elevation (facing S. 4th St.) and shall not contain advertising related to the sale or presence of alcohol or video gaming. The recommendation also stated window signage advertising the sale or presence of alcohol or video gaming shall be limited to no more than 40% of one of the window panes (excluding the doors) on the west building elevation (facing S. 4th St). Temporary signage was also restricted and was not to contain advertising related to the sale or presence of alcohol or video gaming. All other signage was required to meet the requirements of the UDO. The applicant is aware of the conditions established for Maisy’s and is willing to abide by the same standard if the Commission wishes to recommend it for the subject site.

For the subject property, staff is recommending conditions be added that require within 30 days after approval by the City Council, the parking lot be restriped, two handicap parking signs be installed and three shade trees be planted in the parkway along E. Hillcrest Dr. These conditions have been discussed with the applicant and he has agreed to them. These conditions will enhance the appearance of the site and bring it into further compliance with the UDO.

III. STANDARDS OF A SPECIAL USE

1. The proposed special use complies with all provisions of the applicable district regulations.

The proposed video gaming establishment will comply with all regulations of the “GC” General Commercial District and the UDO. The subject property is about 370 feet away from the nearest property line of a school meeting the state minimum separation requirements for liquor sales per the Illinois Liquor Control Act. The nearest existing video gaming establishment (CJ’s at 1406 B Sycamore Road) is just under 3,500 feet away and well exceeding the minimum City requirement of 500 feet. Conditions attached to the approval will enhance the appearance of the subject site and bring it into further compliance with the UDO.

2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned commercial for decades and is in proximity to a variety of commercial uses. Data from the City’s Police Department indicates there is no significant demand for public
safety resources nor any quality of life or crime concerns related to the existing stand-alone video gaming establishments in the City. In addition, staff is recommending conditions be added to the approval to require, within 30 days after approval by the City Council, the parking lot be restriped, two handicap parking signs be placed in front of the two handicap parking spaces and three shade trees be planted in the parkway along E. Hillcrest Dr.

3. **The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.**

The special use will not dominate the immediate area and will not prevent development on the neighboring properties. The surrounding area is already developed with a variety of commercial uses along Hillcrest Drive and N. 1st St. including a gas station, real estate offices, day care center, and other uses. Multi-family housing exists to the east of the subject site.

4. **Adequate utility, drainage and other such necessary facilities have been or will be provided.**

Adequate public services are already provided to the subject site.

5. **The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.**

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The proposed special use will take up a vacant tenant space in the building and will be an economic benefit to the E. Hillcrest Dr. commercial area. Additional sales tax and video gaming revenue will be generated for the City with the proposed special use. In addition, staff is recommending conditions that will require the parking lot be restriped, two handicap parking signs be installed and three shade trees planted in the parkway along E. Hillcrest Dr. within 30 days after approval by the City Council.

IV. **CITIZEN RESPONSE/COMMENTS**

A Citizen Response Form was received from Marvin and Jane Levinsky (provided in Commission packet) who own Studio One Salon and Spa located at 1007 N. 1st St. The form states their opposition to the proposal indicating they believe the location is not appropriate for a video gaming
establishment. We also received an e-mail from Charles and Christine Hacker of 117 Tilton Park Drive who had questions regarding the proposal. Staff responded to the e-mail from the Hacker’s and provided a copy in the Commission’s packet.

The Police Department has reviewed the data regarding calls for service for the seven existing video gaming establishments in the City. Interim Police Chief John Petragallo has indicated there is no significant demand for public safety resources nor any quality of life or crime concerns related to the existing stand-alone video gaming establishments.

V. CONCLUSIONS AND RECOMMENDATIONS

The proposed special use will take up a vacant tenant space along E. Hillcrest Dr. and will add to the economic development along the corridor. Additional sales tax and video gaming revenue will be generated for the City with the proposed special use. Conditions attached to the approval will enhance the appearance of the subject site and bring it into further compliance with the UDO. In addition, data from the City’s Police Department indicates there is no significant demand for public safety resources nor any quality of life or crime concerns related to the existing stand-along video gaming establishments in the City.

Sample Motion:

Based upon the submitted petition and testimony presented, I move 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 Video Gaming Establishment at 122 E. Hillcrest Dr. per the conditions as indicated on Exhibit A.
Exhibit A

1. The video gaming establishment shall only be allowed to operate in the tenant space as shown on the building plan received on 5-28-19 and labeled as Exhibit B.

2. The applicant must obtain a City issued liquor license for the subject site with supplemental licensure for video gaming as required in Ordinance 2019-038.

3. The parking lot on the subject site must be restriped within 30 days of approval of the special use permit by the City Council.

4. Two handicap parking signs, per local and state regulations, must be placed in front of the two handicap parking spaces on the subject site within 30 days of approval of the special use permit by the City Council.

5. Three shade trees shall be planted in the parkway along E. Hillcrest Dr. per the City’s regulations and tree planting guidelines within 30 days of approval of the special use permit by the City Council.
SPECIAL USE PERMIT PETITION

TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): Rasim Spajic
       Telephone: 516-582-1973
       Petitioner's Representative: Cell:
       Mailing Address: 1482 Farmstead Ln
                       DeKalb, IL 60115
       Email: simo514(at)hotmail.com

       Property Owner: KLDR LLC
       Telephone: 516-582-1973
       Mailing Address: 1482 Farmstead Ln
                       DeKalb, IL 60115
       Cell: Email: simo514(at)hotmail.com

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

   A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece
      of paper: Parcel # 08-14-329-002 Unit 122 110-124 E Hillcrest Dr
      Already Existing Unit, looking to open new business
      Video Gaming Establishment

   B. Street Address or Common Location: 122 E Hillcrest Dr, DeKalb, IL 60115

   C. Size (square feet or acres): Unit 122 1,560 Sq Ft

   D. Existing Zoning District: General Commercial

   E. Proposed Special Use: Video Gaming Establishment

   F. Proposed Use and Description: On a separate piece of paper, describe the proposed use's characteristics
      such as operating hours, number of employees, capacity of facility, etc. Also, indicate whether or not the proposed
      use would: a) be in conformance with City’s Comprehensive Plan and how the proposed use may; b) impact
      adjacent existing and future land uses; c) impact adjacent property values, d) impact the general public's health,
      safety, and welfare; and e) in conformance with all elements of the “UDO,” Unified Development Ordinance.

Updated: March 2017
2. The petitioner hereby submits the following information:
   □ Vicinity map of the area proposed for the special use
   □ List of current owner and mailing addresses of all property within 250 feet (exclusive of right-of-way) of the
     property proposed to be rezoned
   □ Petition fee ($500.00)
   □ 6 full size copies and an electronic copy on a disk of a site plan, which must show the following items:
     □ Property dimensions
     □ Location and use of proposed structure
     □ Number and location of parking spaces and loading area
     □ Location and type of landscaping (including existing trees 6" in diameter or greater and existing tree
       masses
     □ Location, type, and height of fencing or walls
     □ Location and width of driveways and curb cuts; internal traffic patterns
     □ Floor area (square footage)
     □ Location of exterior lighting
     □ Location, type, and height of signage
     □ Direction of storm water flow, location of detention area

   (Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans
   must eventually conform to other City standards prior to the issuance of any building permits or other permits.)

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: ________________________________
   Those in attendance: ____________________________________________

   *(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 and 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 above information and affirms that it is true and correct.

Updated: March 2017
6. Petitioner/property owner(s) hereby give the City of DeKalb permission to post a public notice sign(s) on the subject property.

Petitioner Signature

Date

Petitioner Signature

Date

Subscribed and sworn to before me
this 28th day of May, 2019.

Notary Public Signature

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 Special Use Permit petition as described above (petitioner must sign if s/he is the owner).

Property Owner Signature

Date

Property Owner Signature

Date

Subscribed and sworn to before me
this 28th day of May, 2019.

Notary Public Signature

Updated: March 2017
To whom it may concern,

We are looking forward to opening our Video Gaming Establishment Café at 122 E. Hillcrest Drive. Taking in mind the location this would be a great business opportunity since it is considered a busy street where lots of people drive by every day. Prior to our establishment this unit has been vacant for a long time. Therefore, a video gaming café will create a warm fun environment that will allow this street to flourish with people once again.

Our store will attract all types of clientele since video gaming has become very popular today. Although gaming customers will be our primary audience, others can also enjoy the snacks, coffees, pastries and wine/beer that we have to offer. Video gaming being an industry that is constantly growing, we will be able to offer customers with the most updated gaming engines and video games that will take their gaming experience to the next level. Our customers can also spend quality time with their friends by meeting up in our cafe. While playing video gaming a lot of people talk to each other, socialize drink, eat and enjoy the atmosphere.

In a business perspective, our Café will help create new jobs and revenues for the city of DeKalb. Revenues in terms of sales tax, tax revenues from the gaming machines, yearly liquor and gaming license fees etc.

All in all, our Video Gaming Establishment Café will serve as an entertainment center for both younger and older audiences and help by enriching the city of DeKalb economy.

-Rasim Spajoski “Simo”

Spahiu Gaming LLC
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, June 19, 2019, at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on the petition by RLDR, LLC for a special use permit for a video gaming establishment to be located at 110-124 E. Hillcrest Drive which has a Parcel Identification Number (PIN) of 08-14-329-002. The subject property is zoned “GC” General Commercial District.

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. by Wednesday, June 12, 2019. Further information regarding the petition is available from the Community Development Department at (815) 748-2361 or on the City of DeKalb’s web page at https://www.cityofdekalb.com/1103/Public-Hearings

Christina Doe, Chairperson
DeKalb Planning and Zoning Commission
Thank you very much, Mr. Olson, for your prompt and informative reply. It puts our minds at ease.

Charles and Christine,

Thanks for your e-mail. We appreciate your interest and all public comments regarding zoning petitions are considered strongly by the City. Responses to your questions are below in red. A copy of your e-mail was forwarded to the applicant and will also be provided to the Planning and Zoning Commission.

1. How large is this business? The whole building or one of the empty shops? If it involves the whole building, are other businesses being evicted? The tenant space for the proposed video gaming establishment will be 1,566 sq. ft. and located at 122 E. Hillcrest Dr. No businesses will be evicted.
2. What are the hours? There are residences next door that should not struggle with noise late at night. The petitioner is anticipating to be open 7 days a week, from 9am-12am, however the hours will be ultimately be based upon the City of DeKalb Liquor Code. The applicant is requesting a special use permit which can include conditions limiting the hours of operation.
3. Will liquor be served? This is a big concern for us, hoping that related negative behaviors (safety, noise, etc.) do not move into our neighborhood. Per state and local law, liquor must be served at establishments that have video gaming machines. The applicant has indicated hard alcohol will not be served and they will only serve soft beverages, wine & beer and snacks etc.
4. This gaming venue is near KinderCare AND a middle school. What protections are there for these two populations? Illinois State law prohibits the sale of alcohol within 100 feet of a school or church. Day care centers are not considered schools in the context of the State law. Clinton Rosette Middle School is well over 300 feet away from the subject site. There are 8 other stand-alone video gaming establishments in the City and there has been no significant demand for public safety resources nor any quality of life or crime concerns related to these facilities.

Any applicant applying for a Liquor or Video Gaming License in the City must meet the applicable requirements in our Liquor Code including a background check. The petitioner is the operator of Fanatico’s Restaurant and has indicated they will be promoting a relaxed setting without loud music.
More information regarding the petition including a floor plan and summary of the proposed operation is found on our webpage at https://www.cityofdekalb.com/1103/Public-Hearings

If you have any further questions, please do not hesitate to contact me at 815-748-2361.

Dan Olson | Principal Planner
City of DeKalb | 200 South Fourth Street | DeKalb, IL 60115
Phone: 815-748-2361 | Fax: 815-748-2091
Email: dan.olson@cityofdekalb.com | Website: www.cityofdekalb.com

From: Christine Hacker <mom7780@hotmail.com>
Sent: Thursday, June 06, 2019 3:59 PM
To: Olson, Dan <Dan.Olson@CITYOFDEKALB.com>
Subject: Concerning petition by RLDR, LLC

[NOTICE: This message originated outside of the City Of DeKalb mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dear Mr. Olson and the Planning and Zoning Commission:

Thank you for the information concerning the proposal for a video gaming establishment at 110-124 Hillcrest. We do not object to new businesses, new development in our neighborhood. However, we have some concerns and questions with this proposed establishment.

1. How large is this business? The whole building or one of the empty shops? If it involves the whole building, are other businesses being evicted?

2. What are the hours? There are residences next door that should not struggle with noise late at night.

3. Will liquor be served? This is a big concern for us, hoping that related negative behaviors (safety, noise, etc.) do not move into our neighborhood.

4. This gaming venue is near KinderCare AND a middle school. What protections are there for these two populations?

We will try to attend the meeting, but wanted our concerns presented. Thank you for the information, and we pray the committee considers the people who live in the area.
Sincerely,

Charles and Christine Hacker
117 Tilton Park Drive

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110-124 E. Hillcrest Drive - Special Use Permit – Video Gaming Establishment
Citizen Response Form

Owners Name: Marvin & Jane Levinsky

Property Address: 1007 W. First St. Dekalb, IL 60115

Basic Input:

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

Written Comments:
1. We do not oppose video gaming in Dekalb.
   only the proposed location.
2. This location is not conducive to the neighborhood make up.
3. This location is near a school and young children will be exposed to gambling and patrons every day. Although not all gambling patrons are dangerous to children. Gambling in general has been associated with a negative element in society.
4. The type of business in this area is family oriented and this business does not seem to be a good fit for the neighborhood. Business includes a grocery, filling station, hair salon, daycare, (Apartment Residences)
5. We feel it is in the best interest of everyone for this business to find another location.