A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES
   1. June 21, 2021

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

E. NEW BUSINESS
   1. Public Hearing – A petition by Elias Ramos for approval of the rezoning of 304 N. 10th Street from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District and approval of a preliminary and final development plan to establish about 1,550 sq. ft. in commercial space on the ground floor of the existing building along with two 2-bedroom apartment units on the second floor with a small addition proposed and a 10-space parking lot.

F. REPORTS

G. ADJOURNMENT
The Planning and Zoning Commission held a meeting on June 21, 2021, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Chair Maxwell called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Aaron Walker called the roll. Planning and Zoning Commission members present were: Trixy O’Flaherty, Maria Pena-Graham, Steve Becker, Vice Chair Bill McMahon and Chair Max Maxwell. Jerry Wright was absent. Principal Planner Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the June 21, 2021 agenda as presented. Ms. O’Flaherty motioned to approve the agenda as presented. Ms. Pena-Graham seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. June 7, 2021 – Chair Maxwell requested a motion to approve the June 7, 2021 minutes as presented. Mr. Becker motioned to approve the minutes as presented. Vice Chair McMahon 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. Final Development Plan – Approval of a Final Development Plan for Safe Passage located at 217 Franklin Street.

   Principal Planner Dan Olson went through the staff report dated June 17, 2021. He advised Safe Passage went before the Planning and Zoning Commission, as well as City Council, last year to petition for the rezoning and preliminary development plan approval for 217 Franklin Street. He advised the City Council approved Ordinance 2020-077, which granted the proposal. He added the
Ordinance required a final development plan including architectural elevations, engineering plan, lighting plan, landscape plan, and a final plat be submitted for review by the Planning and Zoning Commission and City Council. He stated this is to ensure compliance with the preliminary development plan and the Unified Development Ordinance (UDO).

Mr. Olson said the building will be approximately 40,000 sq. ft. with 2-stories and a basement. He stated the building will contain an emergency shelter, counseling services, administrative offices, outdoor playground, and other accessory uses. He added there will be 15 separate living quarters with approximately 54 beds. Mr. Olson stated construction is planned to begin near the end of 2021 with the facility opening in late 2022.

Mr. Olson mentioned access to the property will be the same as was submitted with the preliminary development plan with access being off South 2nd Street, Franklin Street, and South 3rd Street. He noted the majority of traffic from 2nd Street will be for deliveries or donation drop-offs.

Mr. Olson mentioned the submitted landscape plan meets the requirements of the UDO. He stated landscaping is also planned for the front and rear of the building, as well as along South 2nd Street and the applicant has agreed to add plantings in those areas. He noted two existing Linden trees will be saved along the east side of the property next to South 3rd Street.

Mr. Olson stated the final plan shows 22 onsite parking spaces, compared to the 18 spaces shown on the preliminary plan. He advised Safe Passage also has an agreement with St. George Greek Orthodox Church across Franklin St. to allow them to use their 32-space parking lot throughout the week, excluding Sundays and special events. He added there is additional public and street parking throughout the area, including the 82 space Vaughn parking lot.

Mr. Olson mentioned an 8” sanitary sewer was rerouted after the demolition of the old DeKalb Clinic building. He stated the sewer previously ran through the middle of the subject site and was moved to the west and down South 2nd Street.

Mr. Olson said upon review of the Final Development Plan by staff, including the Police Department, the City recommends approval of the Final
Development Plan along with conditions listed in Exhibit A. He added conditions 3 thru 6 have already been completed by the petitioner.

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

Chair Maxwell gave Commission members an opportunity to speak.

Vice Chair McMahon questioned what the details of the agreement are with St. George’s Church on the parking lot on Franklin Street. He inquired if Safe Passage is able to use their parking lot at all times. Mary Ellen Schaid, representing Safe Passage, advised they can use the parking lot all week, except for Sundays and during special events such as funerals. Mr. McMahon questioned what the detectable warning plates were in the relation to condition 3 in Exhibit A. Mr. Olson advised they are textured plates placed on the sidewalk before crosswalks to warn pedestrians of traffic.

Mr. Becker moved that the Planning and Zoning Commission recommend approval of the Final Development Plan for the Safe Passage Facility at 217 Franklin Street per the plans in Exhibit A and subject to all comments listed below being addressed to the satisfaction of City staff prior to approval by the City Council.

1. Revise Lighting (Photometric) Plan to increase average foot candle level for the parking lot to between 2.0 and 5.0.

2. Revise the Landscape Plan to add plantings to the area along Franklin Street, S. 2nd Street and at the rear of the property per City staff approval.

Ms. O’Flaherty, seconded the motion.

A roll call vote was taken. Ms. O’Flaherty – Yes, Ms. Pena-Graham – Yes, Mr. Becker – Yes, Vice Chair McMahon – Yes, Chair Maxwell - Yes. Mr. Wright was absent. Motion Passed 5-0-1.

F. REPORTS

Mr. Olson advised the next Commission meeting will be on Tuesday, July 6th due to the 4th of July Holiday being recognized on July 5. He stated there will be one hearing regarding the rezoning of 304 N 10th Street to allow residential apartments on the 2nd floor and commercial uses on the ground floor.
Mr. Olson mentioned on June 14th, the City Council approved the special use permit to allow the expansion of the cellular equipment on top of 507 E. Taylor Street for T-Mobile.

G. ADJOURNMENT

Ms. O’Flaherty motioned to adjourn, Vice Chair McMahon seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:14 PM.
STAFF REPORT
July 1, 2021

TO: Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: 304 N. 10th St. – Rezoning from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District; Planned Development Preliminary and Final Plan (Elias Ramos)

I. GENERAL INFORMATION

A. Purpose Establish about 1,550 sq. ft. in commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor with a small addition proposed and a 10-space parking lot.

B. Owner/Applicant Elias Ramos

C. Location and Size 304 N; 10th St./.20 acres

D. Existing Zoning and Land Use “RC-1” Residential Conservation District; Building with one apartment unit.

E. Surrounding Zoning and Land Use North: LI; Auto Repair, Truck/Trailer Rental South: HI; Storage, Industrial East: RC-1; Single-Family Residential West: RC-1, Residential, Iron and Metal Recycling (DIMCO)

F. Comprehensive Plan Designation Light Industrial
II. BACKGROUND AND ANALYSIS

Request/Background

The City has received a petition from Elias Ramos to rezone 304 N 10th St. from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District. The intent of the applicant is to establish about 1,550 sq. ft. of commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor. The applicant is also proposing a small addition to the second story of the building and adding a 10-space parking lot on the north side of the lot. The lot was purchased by Mr. Ramos in March 2020. The building once contained a bar and then a dance studio. There is currently one apartment unit on the ground floor of the building.

The building has fallen into disrepair over the years, however the owner has been making improvements to the property including re-siding the building and has done some interior demolition work to prepare for the two apartments and commercial space. The applicant is an existing business owner in the City and a licensed contractor and the proposed improvements to the property will be a benefit to the neighborhood. Mr. Ramos and his wife currently operate La Moreliana Gift Shop at 205 N. 6th St. and will be re-locating the store to the subject site. Mr. Ramos and his wife will be living in one of the apartment units on the upper level.

A 10-space parking lot is proposed to the north of the structure. There will be a new single access into the parking lot from N. 10th St. There currently is an access off N. 10th St. to a one-car garage. Based on two 2-bedroom apartment units and about 1,550 sq. ft. of commercial space, there are 11 required parking spaces. The owner/operator of the retail space will be living upstairs so there will be some shared parking. Parking is not allowed on N. 10th St. along the subject site and only allowed on the north side of Oak St.

A six (6) foot high fence will be provided along the east side of the parking lot along with a five (5) foot setback to the north and east. An existing four (4) foot high open fence will remain along a portion of the 10th St. frontage to allow for some screening, however the 10-foot parking setback will not be maintained (see waiver discussion below). An engineering plan, landscape plan and lighting plan for the parking lot will be required to be submitted and have been added as a condition to the recommendation.

Waivers to the UDO

Planned Development less than two acres – The subject site is .20 acres. With the other waivers regarding setbacks and parking needed, the Planned Development zoning was the most appropriate. Granting several variances was not feasible and the Planned Development offers the best option. A waiver to this requirement has been approved several times before including Cornerstone DeKalb, Plaza DeKalb and Pizza Hut.
Reduction of the perimeter buffer requirements next to a residential district

The UDO states that when a PD-C District abuts a residential district, there is a 50-foot landscape buffer required. RC-1 zoning exists to the east, however the lot is not wide enough to accommodate this 50-foot setback and a waiver is justified.

Off-Street Parking Requirements - There is a total of 11 parking spaces required with 2 two-bedroom units and about 1,550 sq. ft. of commercial floor area (865 sq. ft. of office and 685 sq. ft. of retail space). The owner/operator of the retail space will be living upstairs so there will be some shared parking. The 10 parking spaces will be adequate for the proposed uses.

Reduction of the parking setback along N. 10th St. The UDO requires a 10-foot setback for parking/paving in the front-yard adjoining a street. The width of the lot (60 feet) is not enough to accommodate the parking spaces needed and to maintain the front yard (10 feet) and rear yard setbacks (5 feet). The front yard south of the proposed access drive will be five (5) from the right-of-way of N. 10th St., however the area north of the access will not. There is currently a four (4) foot high open fence to the north of the future access point and the owner will be maintaining it to offer some buffering of the parking lot.

III. 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 light industrial uses. The lot is part of a buffer area between single-family uses north of Market St. to industrial uses on the south side of Oak St. The proposed rezoning request will allow the development of a site that has been underutilized for several years. The surrounding area contains a mix of residential, commercial and industrial uses and the proposed re-zoning to the PD-C District will be compatible with the surrounding neighborhood.

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 allow flexibility and to more directly shape the development, use and appearance of the property in accordance with the City’s ordinances. The proposed rezoning request and development are in compliance with the Unified Development Ordinance, except for the waivers granted in the development standards. The proposal also meets the General Standard requirements for a Planned Development as described in Article 5.13.07 of the UDO.
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 will not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to uses of the property that are complementary and compatible with the adjacent area. The Planned Development allows the property owner and the City the flexibility to agree to a development plan and standards.

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 “RC-1” Residential Conservation District. Rezoning the property to “PD-C” will allow for flexibility by the applicant to redevelop the property in a manner that will be compatible with the surrounding neighborhood and at the same time meet the needs of the petitioner.

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

Adequate public services and utilities are already provided to the subject property. A new 10-space parking lot will be added on the north end of the lot to accommodate the proposed uses. Adequate walkways and streets surround the site and will accommodate the impacts of the proposed development.

IV. PUBLIC INPUT

As of the posting of the agenda on July 1, we have not received any public comments.

V. CONCLUSIONS AND RECOMMENDATION

The proposed rezoning request will allow for the redevelopment of the property that will be a benefit to the neighborhood.

The staff’s recommendation is to approve, and a sample motion has been prepared.

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 the rezoning of subject site at 304 N. 10th St. from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District, approval of a preliminary and final development plan dated 6-2-21, labeled as Exhibit A, and subject to the Planned Development Standards in Exhibit B and the conditions in Exhibit C.
Exhibit B

Planned Development Standards

Permitted and Special Uses:

Apartment units on the upper level of the building not exceeding 2, two-bedroom units and commercial uses on the lower level per the permitted and special uses as listed in the “GC”, General Commercial District of the Unified Development Ordinance.

Bulk Regulations/Landscaping/Lighting/Parking:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, landscaping, parking, lighting, signage and other similar restrictions and regulations shall meet those standards as set forth in the “PD-C” District of the UDO except as listed below:

1. Article 5.13.06 - A Planned Development under 2 acres.

2. Article 5.13.07.6 – Removal of the 50 foot buffer area between a PD-C zoned property and adjacent residential district.

3. Article 12.08 - Reduce the number of required parking spaces from 11 to 10.

4. Article 12.03(6) - Reduce the front yard setback for parking along N. 10th St. as shown on Exhibit A.
Exhibit C

Conditions

1. A site plan meeting engineering and drainage requirements per the City Engineer and UDO requirements shall be submitted prior to any building permits being issued for the proposed uses.

2. A landscape plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.

3. A lighting (photometric) plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.
Required Parking: 11 spaces
2, two-bedroom units - 5 spaces
865 sq. ft. of office - 3 spaces
685 sq. ft. of retail - 3 spaces
Provided Parking: 10 spaces
TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): Elias Ramos
Petitioner's Representative: 
Mailing Address: 303½ Fisk Ave
DEKALB IL 60115

Property Owner: SAME
Mailing Address: 

Phone: 817-873-7367
Email: elias_ramos07@yahoo.com

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

   A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:
      Parcel # 08-23-25a-004

   B. Street Address or Common Location: 304 N. 10th Street DeKalb IL 60115

   C. Size of Property (square feet or acres): 7,150

   D. Existing Zoning: RC-1

   E. Proposed Zoning: PD-C

   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
I, Elias Ramos, bought this building with the idea of making good use of this building. I knew in the past this building was a Bar and a dance studio. Later on before it was turned into a single-family house, the building is very big but it has a problem. It does not have parking spaces and on the street on one side is limited and on the other side no parking at any time. These are the reasons why I am asking to convert it into a PD-C zoning.
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: 6-1-21

Those in attendance: Dawn Harper - Frank Beasley

(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.

Elios Ramos 6-2-21

Petitioner Signature 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).

Elios Ramos 6-2-21

Property Owner Signature Date
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 Tuesday, July 6, 2021, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by Elias Ramos for approval of the rezoning of 304 N. 10th St. from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District and approval of a preliminary and final development plan to establish about 1,550 sq. ft. in commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor with a small addition proposed and a 10 space parking lot. Consideration to approve waivers to the Unified Development Ordinance for a Planned Development less than two acres, reduction of the parking setback along N. 10th St., reduction of the perimeter buffer requirements next to a residential district, and other approvals as required for the subject property to allow for the development as proposed. The subject site is .20 acres and has Parcel Identification Number of 08-23-259-004 and is commonly known as 304 N. 10th 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, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Tuesday, July 6, 2021, 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