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

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES
   1. None

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

E. NEW BUSINESS
   1. Public Hearing – Petition by Aurora Sign Company, representing DeKalb Community School District #428, for approval of a special use permit to allow an electronic changeable copy sign (digital display sign) as shown on the sign detail made part of the special use application. The subject site is located at 650 North 1st Street (Clinton Rosette Middle School).

   2. Public Hearing – Petition by DeKalb-Harlem, LLC for a rezoning from the “GC” General Commercial District to the “PD-C” Planned Development Commercial District for a 7.26 acre site to allow for a video gaming establishment to locate in an approximate 2,000 square foot tenant space. The petition also requests allowance of the proposed video gaming establishment to be located within 500 feet of another video gaming establishment. The subject tenant space is located at 1704 Sycamore Road and generally located at the northeast corner of Sycamore Road and East Dresser Road.

F. REPORTS

G. ADJOURNMENT
TO: DeKalb Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: Special Use Permit to Allow an Electronic Changeable Copy Sign - 650 N. 1st St. (Clinton Rosette Middle School)

I. GENERAL INFORMATION

A. Purpose Approval of a special use to allow an electronic changeable copy sign (digital display sign)

B. Location/Size 650 N. 1st St./20 acres

C. Petitioner Aurora Sign Company representing Dist. 428 - Clinton Rosette Middle School

D. Existing Zoning SFR2 - Single Family Residential District and “MFR1” Multi-Family Residential District

E. Existing Land Use Middle School

F. Proposed Land Use Addition of an electronic changeable copy sign

G. Surrounding Zoning and Land Use North: GC & LC; various commercial uses
   South: RC-1 SFR; single-family residential
   East: SFR2; single-family residential, cemetery
   West: MFR1 & SFR2; multi-family, church

H. Comprehensive Plan Designation Institutional
I. BACKGROUND AND ANALYSIS

DeKalb School District 428 is proposing to replace and construct a new ground sign along N. 1st St. in front of Clinton Rosette Middle School. The proposed sign will be just under 13 feet in height and about 50 sq. ft. The digital display portion of the sign will be about 25 sq. ft. or about 50% of the total sign area. The UDO allows churches, schools and public buildings to have one Identification/Information Sign not to exceed 50 sq. ft. and 15 feet in height. A detail of the sign is provided in your packet. The proposed sign will replace an existing manual changeable copy sign which is about 36 sq. ft. in size and 10 feet in height and internally illuminated. The proposed sign will about 20 feet from the right-of-way of N. 1st St. at the same location of the existing sign.

The UDO regulations prohibit electronic changeable copy signs, however a variance/waiver to the sign regulations can be granted as a condition of a special use permit. The site is zoned “SFR2” Single-Family Residential and “MFR1” Multi-Family Residential and a school is a special use in those districts. A special use permit was issued in 2001 to allow the school to add a mobile classroom on the site and a special use permit was also issued in 2003 to permit an addition on the northeast side of the building.

In July 2018, Littlejohn Elementary School received a special use permit that included approval of a 7-foot-high and 46 sq. ft. electronic changeable copy sign near the entrance to the school building. In October 2018 the City approved a special use permit to allow Hillcrest Covenant Church at 1515 N. 1st St. to have a 30 square feet and 5 foot high electronic changeable copy sign that replaced an existing ground sign with manual changeable copy. The conditions of approval for both Littlejohn Elementary School and Hillcrest Covenant Church included the following operational limitations for the signs:

- Digital displays shall be static in nature and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.
- Each message on the sign must be displayed for a minimum of 20 seconds or such longer time as may be hereafter enacted by the City in the UDO.
- The change between static messages must be accomplished immediately, with no use of any transitions.
- The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.
- The sign shall not contain any “off-site” advertising, except for the dissemination of bona fide emergency public messages issued by a unit of government.
- The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.

For Littlejohn School, an additional condition was added noting the sign could only be illuminated when school was in session or when there was a school activity occurring in the building. The condition was added since the sign was located as close as 25-50 feet to several homes. The
proposed sign for Clinton Rosette School will be approximately 400 feet away from the nearest single-family home. I have not recommended restricting the sign to be on only during school hours or when activities are occurring in the building since the sign is several hundred feet away from any home. One of the recommended conditions does require light sensors and dimmer controls to be installed on the sign that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days.

The City has also approved electronic changeable copy signs for DeKalb High School in 2009, First Midwest Bank at 130 W. Lincoln Highway in 2012 and Toyota of DeKalb (Bemis) along Sycamore Road in 2016. Staff is recommending the operational condition approved for the electronic changeable copy signs for Littlejohn Elementary School and Hillcrest Covenant Church be approved for this site and are listed at the end of the report in Exhibit B. The applicant has reviewed the conditions and has indicated they would comply with standards.

III. STANDARDS OF A SPECIAL USE

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

A school has been located on the subject property for decades and predates the UDO. The subject property is zoned “SFR2” Single-Family Residential and MFR1 Multi-Family Residential, which requires a special use for public schools. Article 13.02.06 of the UDO states that no variance or waiver can be granted for any provision regarding signs except as a condition of a Special Use Permit or a Planned Development Ordinance. The proposed sign will be in compliance with the maximum size and height for ground signs for schools per 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 proposed electronic readerboard sign proposed along N. 1st St. will not be in close proximity to any homes, will only take up about 50% of the total sign area and will have the same operational limitations as other digital display signs recently approved by the City. The proposed sign will be approximately 400 feet away from the nearest single-family home.

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 commercial uses, multi-
family and single-family residential uses, a church and cemetery. The electronic readerboard sign will be about 400 feet away from the nearest home and will have operational limitations similar to other recently approved digital display signs in the City.

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

The appropriate utilities are already provided to the proposed sign.

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 sign will not be detrimental to the permitted uses on the site or to the surrounding area and will be about 400 feet away from the nearest home. The sign will also have operational limitations similar to other recently approved digital display signs that will make it visually compatible with the permitted uses in the surrounding area. The proposed sign will allow the school to inform the public of school and district related activities and announcements which promotes the public health, safety and general welfare of the City.

IV. CITIZEN RESPONSE/COMMENTS

The City received an e-mail from Peter and Florence Gerlach of 218 Sycamore Road and a Citizen Response Form Beverly Joan Watson of 821 N. 5th St. objecting to the proposal. A Citizen Response Form from Jonathan and Jenifer Lowe of 206 Sycamore Road had questions/comments regarding the lighting and the size of the sign. Cary Nelsen of 216 N. 1st St. (owns property at 719 N. 4th St.) submitted a Citizen Response Form noting her support for the sign. Copies of the forms and e-mail are in your packet and will be made part of the record at the hearing.

V. CONCLUSIONS AND RECOMMENDATIONS

Staff would recommend approval of the special use request, which will allow the school to inform the public of school and district related activities and announcements. In addition, the proposed sign will be in compliance with the UDO regulations regarding height and size. The electronic changeable copy sign will not be in an area directly facing homes and will have operational limitations similar to other recently approved digital display signs.
Sample Special Use Permit 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 the property located at 650 N. 1st St. (Clinton Rosette Middle School) in order to approve a waiver to Article 13.03.9 of the Unified Development Ordinance to allow an electronic changeable copy sign (digital display sign) as shown on the sign detail dated 9-18-19 prepared by Aurora Sign Company and located as shown on the aerial photo received on 10-8-19 both labeled as Exhibit A and per the conditions as indicated on Exhibit B.
EXHIBIT A

DOUBLE FACE ILLUMINATED SIGN
FABRICATE AND INSTALL SIGN OF ALUMINUM AND ACRYLIC. SIGN FACE TO ACRYLIC WITH VINYL APPLIED FIRST SURFACE, VINYL TO BE APPLIED FIRST SURFACE. ALL EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE. INTERNAL ILLUMINATION TO BE WHITE LEDS, SEE SCHEDULE A FOR MESSAGE UNIT. SCALE 1/4" = 1'

INSTALLATION INSTRUCTIONS
REMOVE EXISTING SIGN AND DISPOSE. SET 8" STEEL PIPE IN CONCRETE FOOTING TO BE 3'6" x 4' DEEP. CONNECT TO ELECTRICAL SERVICE TO BE PROVIDED BY OTHERS PRIOR TO INSTALL. EMC UNIT TO HAVE SEPARATE ELECTRICAL SERVICE.

SCHEDULE A
W96MM COLOR
PIXEL MATRIX 36X126
CABINET SIZE 41" H X 7.5" L
VIEWING AREA 36" H X 7" L
DOUBLE FACE
CHARACTER SIZE 4 LINES
125 CHARACTERS PER TYPE

Computer generated colors are not a true match to any PMS, vinyl or paint. Rendering shown is for concept only. Actual scale and placement shown are approximate.

NOTE: THIS DRAWING IS THE PROPERTY OF AURORA SIGN CO., IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AURORA SIGN CO. CHARGES UP TO $2000.00 WILL BE ASSESSED FOR ANY MIS-USE OF THESE DRAWINGS.
PROPOSED / EXISTING SIGN LOCATION
Exhibit B

The electronic changeable copy sign (digital display sign) shall conform to the following operational limitations at all times:

1. Digital displays shall be static in nature and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.
2. Each message on the sign must be displayed for a minimum of 20 seconds or such longer time as may be hereafter enacted by the City in the UDO.
3. The change between static messages must be accomplished immediately, with no use of any transitions.
4. The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.
5. The sign shall not contain any “off-site” advertising, except for the dissemination of bona fide emergency public messages issued by a unit of government.
6. The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.
SPECIAL USE PERMIT PETITION

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

FROM: Petitioner Name(s): Aurora Sign Company
       Petitioner's Representative: Ron Poplawski
       Mailing Address: 100 Route 34
                        Aurora, IL 60503
       Property Owner: 488
       Mailing Address: 401 S. 4th St
                        DeKalb, IL 60115
       Phone: (630) 898-5900
       Email: ronp@aurorasign.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:

      [Legal Description]

   B. Street Address or Common Location: 1050 N. 1st St.

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

   D. Existing Zoning: SFR 2 and MF R 1

   E. Proposed Special Use: Digital Display Ground Sign

   F. Proposed Use and Description: On a separate document, describe the proposed use’s characteristics. Also,
      indicate whether or not the proposed use would: a) Prevent development and use of neighboring property;
      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) be in conformance with all elements of the “UDO,” Unified
      Development Ordinance

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

☐ Vicinity map of the area proposed for the special use
☐ Petition fee ($500.00)  

☐ 3 full size copies and an electronic copy on a disk of a site plan, which must show the following items (per the requirements of Article 14.03.03 of the UDO):

☐ Property dimensions
☐ Location and use of proposed structures
☐ 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.

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 Special Use Permit petition as described above (petitioner must sign if they are the owner).

Property Owner Signature


Date  

Updated: 9/2019
SPECIAL USE PERMIT PETITION
Clinton Rosette Middle School

1. Proposed uses characteristics:

The subject property is zoned “SFR2” Single-Family Residential, which requires a special use for public school buildings. Article 13.02.06 of the UDO states that no variance or waiver can be granted for any provision regarding signs except as a condition of a Special Use Permit or a Planned Development Ordinance. The proposed signs would be in compliance with the regulations of the UDO if located in a non-residential zoning district.

2. Will Special Use prevent development and use of neighboring property:

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 single-family residential uses and the school currently has illuminated signage. The proposed signs will be in compliance with the regulations used for non-residential zoned properties. The electronic message center will be in an area not directly visible to homes and will have operational limitations similar to the other approved digital display signs.

3. Will Special Use impact adjacent existing and future land uses:

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The proposed sign would be in compliance if the site was zoned a non-residential classification. The electronic message center proposed near the entrance to the school will not directly face any homes and will have the same operational limitations as other digital display signs recently permitted in the City. The City has allowed a digital display sign at another public school in the City (DeKalb High School and W Dresser Rd).

4. Will Special Use impact adjacent property values:

The proposed sign will have no impact, negatively or otherwise on the adjacent property values.
5. **Will Special Use impact the general public’s health, safety, and welfare:**

The proposed sign will not be detrimental to the general public’s health, safety, and welfare. To the contrary, the proposed sign will allow the school district to inform residents and parents and serve the educational needs of the community, which promotes the public health, safety, and general welfare of the City.

6. **Will Special Use be in conformance with all elements of the “UDO”, Unified Development Ordinance:**

The proposed sign will be in conformance with all elements of the UDO.
Owners Name: Cary N. Nielsen

Property Address: 216 N 1st St. DeKalb, IL

Basic Input:

X  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:

As a former teacher, I know the value of keeping the community informed of the events at the school. We are in full support of this effort. The sign will help the school with this in a positive way.

Cary N. Nielsen
Mr. Olson;

On behalf of both my wife and myself, I would like to express our opposition to the idea of a lighted sign at Clinton Rosette Middle School. Among our reasons:

An electronic device sucking juice 24/7 is an extremely wasteful proposition;

The way people drive near CRMS is dangerous enough to the students when they are in the schoolyard - a flashing distraction is the last thing they need;

We do not want the added light shining in our windows;

Light pollution is a major problem in modern society, and we see no reason to needlessly add to it. I will quote from an article in *Places Journal*:

Mounting evidence suggests that altering the natural patterns of light and darkness is doing more than spoiling the view for night-sky gazers. Artificial light increasingly is being implicated in disrupting the biology and behavior of people as well as the animals that share the nocturnal landscape. In spring 2008, for example, researchers at the University of Haifa in Israel published the results of a study showing an elevated incidence of breast cancer in women who live in light-saturated neighborhoods. Researchers suggest that artificial nighttime illumination may be interfering with the brain’s production of melatonin, a tumor-suppressing hormone.

And it turns out that critters need the natural modulation of light just as much as people. “Most species depend on light and dark for some portion of their daily or seasonal life cycle,” write Travis Longcore and Catherine Rich, editors of the *Ecological Consequences of Artificial Night Lighting*. Migrating birds use the stars as a navigational tool during spring and fall migrations. Confusing big city lights with the constellations, whole flocks of night-flying migrants can be lured into the maze of urban towers where they crash into windows and die or become disoriented by the bright lights and reflected glass. Eventually, many succumb to exhaustion, making them easy pickings for predators....

Other animals wait for the cover of darkness to begin their feeding rounds or to carry out reproduction. Many species of snakes, frogs and salamanders, for example, naturally take their cues from lunar cycles, restricting their activities during full moons and stepping up foraging activities in periods of darkness. Artificial lighting can curtail the ability of some of these animals to detect prey. To avoid being eaten, some species play possum in brightly lit areas, remaining motionless long after lights have gone out. Not only do they eat less under these artificial conditions, but they also reduce or halt their calling during mating season. Researchers caution...
that it doesn’t take lights with the equivalent brightness of a Walmart parking lot to disrupt such essential functions. Even soft lighting can alter behavior.

Natural regimes of light and dark are important to many animals in the water as well as on land. In 2000 limnologist Marianne Moore and her colleagues published research on the effects of artificial lighting in a group of lakes in Massachusetts. Her team focused on the behavior of a common group of zooplankton known as Daphnia. Under natural conditions, Daphnia frequent deep waters during daylight hours, migrating up into the water column under the cover of darkness to graze on algae. Lights from roads, lakeside homes and boathouses, however, illuminate these upper waters, discouraging the extent to which these tiny animals are willing to venture into areas where they are more visible to predators. The researchers concluded that the reduced grazing could allow nuisance algae populations to explode, throwing off the whole aquatic food chain and fouling water for swimmers and anglers.

There are many, many reasons to not install this sign - and not one that I can think of to explain why it would be a good idea.

Please, deny this request!

Peter & Florence Gerlach
218 Sycamore Road
Mr. Olson; After I sent my previous e-mail, my wife pointed me at some other facts, to wit:

Light pollution has been shown to interfere with human circadian rhythms, leading to increased depression (livescience.com), obesity (ibid.), insomnia (futurism.com) and cardiovascular disease (ibid.).

This sign is a very bad idea.

Peter Gerlach
218 Sycamore Road
Owners Name: Beverly Joan Watson

Property Address: 821 N 5th St.

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:

Not sure of purpose of digital sign. Very expensive expenditure for school. Enough light pollution will affect and add to light in area which is not needed. What is so important they must blast digitally on large sign?? Please say NO!!
Owners Name: Jonathan Lowe + Jennifer Lowe

Property Address: 206 Sycamore Road, DeKalb, IL

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:

Will there be brightness control?

It might be important that it not dazzle driver's coming by.

The artistic rendering is too large. It's a middle school, not a stadium. Something the size of the marquee that is there now would be fine.
TO: DeKalb Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: Rezoning from the ‘GC’ General Commercial District to the “PD-C” Planned Development Commercial District for 1704 Sycamore Road to allow for a video gaming establishment and allowance of a video gaming establishment to be located within 500 feet of another establishment (DeKalb-Harlem, LLC) (Lacey’s Place)

I. GENERAL INFORMATION

A. Purpose Approval of a rezoning from the ‘GC’ District to the “PD-C” District to allow for a video gaming establishment.

B. Location/Size 1704 Sycamore Road/2,000 sq. ft. tenant space, total site area - 7.26 acres

C. Petitioner DeKalb-Harlem, LLC

D. Existing Zoning “GC” General Commercial District

E. Existing Land Use Vacant Commercial Space

F. Proposed Land Use Video Gaming Establishment

G. Surrounding Zoning and Land Use North: GC; various commercial uses South: GC and SFR2; various commercial uses, single-family residential East: SFR2; single-family residential; West: GC and SFR2; various commercial uses, park and recreational facilities

H. Comprehensive Plan Designation Commercial
II. BACKGROUND AND ANALYSIS

The applicant, DeKalb-Harlem, LLC represented by Tim Muldowney, is proposing to establish a video gaming establishment in an approximate 2,000 sq. ft. tenant space at 1704 Sycamore Road in a multi-tenant commercial building called the DeKalb Shopping Center. The establishment will be called Lacey’s Place. The site is zoned “GC” General Commercial District and since March 2017, stand-alone video gaming establishments have been a special use in the “GC” District. Lacey’s Place was originally issued a liquor license and video gaming license in April 2016, which was prior to the City’s passage of the Ordinance requiring stand-alone video gaming establishments to obtain a special use permit. Although they obtained the necessary licenses in 2016, Lacey’s Place never opened for business and surrendered their license with the City in December 2018. This past June an applicant came forward to re-open it as a video gaming establishment as Lacey’s Place, however, they did not have full approval by the property owner and eventually withdrew the petition. The property owner, DeKalb-Harlem, LLC has come forward and are interested in opening the business under the same name. Because it is a new owner/operator, they must re-apply for the liquor and video gaming licenses and obtain the appropriate zoning for the site.

Lacey’s Place was one of the original seven stand-alone video gaming establishments that existed prior to the amendments made to the UDO in March 2017 which required them to obtain a special use. One of the additional requirements approved in March 2017 was a video gaming establishment must be at least 500 feet away from another establishment. Charley’s Video Gaming, located at 1792 Sycamore Road, is approximately 465 feet away from the proposed Lacey’s Place. Reducing the 500 foot separation requirement for video gaming establishments is not a variance that can be requested, so the applicant is requesting to rezone the site to the PD-C Planned Development Commercial District to accommodate the reduction.

The subject site is 7.26 acres and includes the building Lacey’s Place will be located in and the rest for the site that DeKalb-Harlem LLC owns, which include the parking lot and two other freestanding buildings. The tenant space for Lacey’s Place is about 2,000 sq. ft. and substantial work has occurred inside the space in order to accommodate the proposed use (see floor plan and photos in the packet). Other tenants in the building are Carniceria Super Market, Evolve Fitness, US Census Bureau Office, Hearing Help Plus, and Sherwin Williams. Adequate parking is provided, the parking lot is striped, and all handicap signage is in place. The property owner did complete some landscaping improvements on the site in 2017 in conjunction with the installation of new parking lot lighting fixtures.

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 ten to allow for the use on the subject site. One of the conditions of the Council’s approval was the granting of the appropriate zoning 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.

For Maisy’s along S. 4th St. and the video gaming establishment approved at 122 E. Hillcrest Dr. this past July 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 122 E. Hillcrest Dr. 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 and the video gaming establishment at 122 E. Hillcrest Dr. the Commission also restricted advertising the sale or presence of alcohol or video gaming on their signage. The recommendation 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 windowpanes. Temporary signage was also restricted and was not to contain advertising related to the sale or presence of alcohol or video gaming. The applicant is aware of the conditions established for Maisy’s and 122 E. Hillcrest Dr. and is willing to abide by the same standards regarding the window signage and temporary signage restrictions, if the Commission wishes to recommend it for the subject site. The applicant has indicated they would have a concern restricting the wall sign from advertising the word “slots” or something similar since many video gaming establishments have such wording as an identifier. It should be noted there already is a wall sign for Lacey’s Place which has the words “Slots” and “Video Poker” in it (image provided in the packet), however the name of the facility will likely be changed.

III. STANDARDS OF A REZONING

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 uses. Re-zoning of the subject site to the PD-C District will allow the establishment to comply with the regulations of the UDO except for having a video gaming establishment within 500 feet of another one. An existing video gaming establishment is located at 1792 Sycamore Road and is approximately 465 feet away, just under the 500-foot minimum. The exception to the setback is justified due to the fact Lacey’s Place had a liquor and video gaming license previously, however, they did not open. The allowance for video gaming at Lacey’s Place will keep the number of stand-alone video gaming establishments at 10, which the City Council has authorized.

2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.
The proposed video gaming establishment will comply with all regulations of the “PD-C” Planned Development Commercial District and the UDO, except for slight reduction of the minimum separation requirement between video gaming establishments.

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. The site has been zoned commercial for decades and is in proximity to a variety of other commercial uses. The proposed video gaming establishment 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 Sycamore and Dresser Roads and single-family residential to the east.

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

The subject property is proposed for “PD-C” Planned Development –Commercial zoning. The “PD-C” District will allow the property to be used for uses that will be compatible with the surrounding area and consistent with the Comprehensive Plan recommendations.

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

Adequate public services are already provided to the subject site.

**IV. STANDARDS FOR PLANNED DEVELOPMENT**

General Standards: The approval of the Development Plan may provide for such exceptions from the regulations associated with traditional zoning districts as may be necessary or desirable to achieve the objectives of the proposed planned development. However, such exceptions shall consistent with the City's Comprehensive Plan and the standards contained in this Section and have been specifically requested in the application for a planned development; and further, that no planned development shall be allowed which would result in:

1. **Inadequate or unsafe access to the planned development;**

Adequate access already exists to the subject site from Sycamore and Dresser Roads.

2. **Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;**
Sycamore Road is a major arterial road and more than adequate to handle the minimal traffic that will be generated by the proposed video gaming establishment.

3. **An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;**

The Planned Development designation will not have any undue impact on public parks, recreation areas, schools, fire and police protection or other public facilities. The proposed video gaming establishment will take up a vacant tenant space in the building and will be an economic benefit to the Sycamore Road commercial corridor. Additional sales tax and video gaming revenue will be generated for the City with the proposed use.

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.

4. **A development which will be incompatible with the intent and purposes of this Ordinance;**

The applicant is requesting PD-C zoning, which allows the City to approve regulations that will control the zoning, development and maintenance, operations and other property improvement related issues.

5. **Detrimental impact on surrounding area including, but not limited to, visual pollution;**

The surrounding area is already developed. The proposed zoning and video gaming establishment are consistent and compatible with the surrounding area and Comprehensive Plan. The proposed rezoning should not have a detrimental effect on the adjacent properties or land uses.

IV. **CITIZEN RESPONSE/COMMENTS**

A Citizen Response Form was received from Cynthia Dolder of 1407 E. Dresser Road indicating her support for the proposal. We also received a Citizen Response Form from Susan Aamodt of 1730 Sunrise mentioning she does not support the proposal. A copy of both Forms is provided in the Commission’s packet.

This past summer the Police Department 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 rezoning and proposed video gaming establishment will take up a vacant tenant space along Sycamore Road 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 use. 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 the sample motion, I did not include any restrictions regarding the hours alcohol could be served or restrictions on the advertising of alcohol and gambling in the signage, however the Commission may add those to the motion if you feel it is warranted.

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 rezoning from the ‘GC” General Commercial District to the “PD-C” Planned Development Commercial District for the subject site located at 1704 Sycamore Road to allow for a video gaming establishment per the conditions and standards listed in Exhibit A
Exhibit A

1. The video gaming establishment shall only be allowed to operate in an approximate 2,000 sq. ft. tenant location as shown on the aerial image and floor plan 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. Development of the subject site shall be per the “PD-C” Planned Development – Commercial District standards and the UDO except for the waivers as provided:
   a. Article 7.20.01 to allow a video gaming establishment to operate within 500 feet of another video gaming establishment (Charley’s Video Gaming located at 1792 Sycamore Road).

4. Any provisions not covered by the “PD-C” District regulations shall refer to the “GC” General Commercial District regulations.
EXHIBIT B

Utility
Bathroom
Storage
Bathroom
Office

Gaming Area

Bar

100' - 0"
20' - 0"
REZONING PETITION

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

FROM: Petitioner Name(s): DeKalb-Harlem, L.L.C.  Phone: 815-229-3000
Petitioner’s Representative: Tim Muldowney  Email: tmuldowney@firstmidwestgroup.com
Mailing Address: 6801 Spring Creek Road, Rockford, Illinois

Property Owner: DeKalb-Harlem, L.L.C.  Phone: 815-229-3000
Mailing Address: 6801 Spring Creek Road, Rockford, Illinois

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

A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:
   See Attached - PIN 08-13-151-017  08-13-151-043  08-13-151-044
   08-14-277-003

B. Street Address or Common Location: 1704 Sycamore Road, DeKalb, IL 60115

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

D. Existing Zoning: GC - General Commercial District

E. Proposed Zoning: PD-C Planned Development - Commercial

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: 10-11-19

   Those in attendance: Dan Olson, Tim McDowney

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

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

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

   [Signature]

   Petitioner Signature

   10-11-19

   Date

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

   [Signature]

   Property Owner Signature

   10-11-19

   Date

Updated: 9/2019
Reason for Request: Rezoning requested to permit the operation of a licensed gaming location on the Property within 500 feet of another licensed video gaming location.

City’s Comprehensive Plan: It is understood this location was originally approved by the City of DeKalb as a video gaming location, however, the original proposed operator never opened for business. Now there is a new proposed user that desires to open a video gaming operation at this same location. The location was previously approved for the proposed use, and there has not been any substantial change to the surrounding area. The zoning request is based on the desire to operate a video gaming location at the property as originally intended and it is in conformance with the City’s Comprehensive Plan.

Impact on Existing and Future Land Uses: This location is part of a primary commercial corridor in the City of DeKalb and is consistent with the types of commercial users in the surrounding area.

Impact on Adjacent Property Values: This use would fill a space that has been a long-time vacancy in one of the City’s shopping centers. Also, many of the adjacent properties are owned by Petitioner, and Petitioner has an interest in maintaining and increasing its own property values. The zoning change will have no adverse impact on the adjacent property values.

Impact on Public’s Health, Safety, and Welfare: This zoning change is appropriate for the type of users in the general area as this is a main commercial corridor in the City. This zoning change will allow a long-time vacancy to be filled and produce income and tax revenue while also providing a service to the community.
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, November 6, 2019, at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on the petition by DeKalb-Harlem, LLC for a rezoning from the ‘GC’ General Commercial District to the “PD-C” Planned Development Commercial District for a 7.26 acre site to allow for a video gaming establishment to locate in an approximate 2,000 square foot tenant space. The petition also requests allowance of the proposed video gaming establishment to be located within 500 feet of another video gaming establishment. The subject tenant space is located at 1704 Sycamore Road and subject site has Parcel Identification Numbers (PINs) of 08-13-151-017, 08-13-151-043, 08-13-151-044 and 08-14-277-003 and generally located at the northeast corner of Sycamore Road and E. Dresser Road.

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, October 30, 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
1704 Sycamore Road – Rezoning
Citizen Response Form

Owners Name: Cynthia Dolder

Property Address: 1407 E. Dresser Rd. Dekalb, IL

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:

________________________________________________________________________________________________________

________________________________________________________________________________________________________

________________________________________________________________________________________________________

________________________________________________________________________________________________________

________________________________________________________________________________________________________

________________________________________________________________________________________________________

________________________________________________________________________________________________________
Owners Name: Susan Akmon
Property Address: 1730 Sunrise Dr, Dekalb, Illinois

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:

I want the City Ordinances currently on the books to be upheld.

We already have a video gaming business in this neighborhood. We do not want two of them. The current City Ordinances should protect my neighborhood.

Video Gaming encourages the taking of money away from children and families in this area. The City leaders are elected to protect us, not make our neighborhoods worse. If this goes through I will not vote for my current leader again. I will vote for someone else!!!