

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
January 3, 2022

The Planning and Zoning Commission held a meeting on January 3, 2022, 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 Stephanie Turner called the roll. Planning and Zoning Commission members present were: Trixy O'Flaherty, Shannon Stoker, Jerry Wright, and Chair Max Maxwell. Steve Becker, Bill McMahon, and Maria Pena-Graham were absent. Planning Director Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the January 3, 2022, agenda as presented. Mr. Wright motioned to approve the agenda as presented. Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. December 20, 2021 – Chair Maxwell requested a motion to approve the December 20, 2021, minutes as presented. Ms. Stoker motioned to approve the minutes as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

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

None

E. NEW BUSINESS

1. **Public Hearing** – A petition by Equity Trust Company Custodian, FBO Mary Zvirzdin IRA, represented by Betty Shattuck for approval of the rezoning of 1421 E. Lincoln Highway from the "LC" Light Commercial District to the "SFR2" Single-Family Residential District.

Betty Shattuck appeared and spoke on behalf the of the applicant, Mary Zvirzdin, who is selling the property located at 1421 E. Lincoln Highway. Ms. Shattuck provided background and the obstacles that led to the applicant filing the petition.

Ms. Shattuck spoke on how she listed this property at the beginning of October 2021. She indicated she found a buyer, Virginia Snyder and family, and went under contract quickly with an appraisal being conducted around October 25, 2021. Ms. Shattuck continued saying she received word on November 1, 2021, the appraisal could not be completed due to the property being zoned "LC" Light Commercial District. She noted the lender could not provide a mortgage for the property due to the "LC" zoning.

Betty Shattuck added the Snyder family and their real estate agent started working with a different lender who thought they could process a loan with the current zoning of "LC" Light Commercial. She mentioned the second appraisal was conducted around November 15, 2021. Ms. Shattuck said the appraiser advised it could not appraise as residential which led to the second lender not wanting to offer a loan. She stated she was told to have the property rezoned to Single-Family Residential in order for a loan to be obtained.

Ms. Shattuck discussed the questions that were addressed on the special use application. She stated there is a strip of properties on the north side of East Lincoln Highway that are a part of the 2005 East Lincoln Highway Corridor Plan. She explained there would be no effect on the commercial and industrial properties on the south side of E. Lincoln Highway. Ms. Shattuck went on to discuss the impact on fourteen properties located on the north side of E. Lincoln Highway that are zoned "LC" Light Commercial District, most being used for residential purposes. She stressed the request for rezoning only applies for the property at 1421 E. Lincoln Highway and will not affect the fourteen properties previously discussed.

Ms. Shattuck addressed the fact commercial construction has not developed along the north side of E. Lincoln Highway and with a high demand for residential properties it makes sense to rezone the site to single-family residential. She discussed the property value would increase due to the high demand for residential properties. Ms. Shattuck talked about traffic with the proposed zoning change, stating it would continue to provide light residential traffic.

Ms. Shattuck stressed the values of the properties currently zoned as Light Commercial could be diminished if they cannot sell due to the current zoning. She added the properties would have to be sold only as Light Commercial which would mean the properties could sell for less.

Dan Olson, Planning Director, went through the staff report dated December 30, 2021. He noted the proposed rezoning was requested by the purchaser's lender so the zoning of the property would match the existing use on the property. Mr. Olson reported for legal non-conforming uses, lenders want the

zoning to match the use. He added this is because the non-conforming standards require reconstruction per the underlying zoning if the building is ever destroyed or damaged over 50% of its value.

Mr. Olson mentioned commercial construction on the lot would be difficult due to the small size and limited parking availability. He also noted the setback, stormwater, and landscaping requirements would be difficult to meet. He discussed this area has been zoned "LC" Light Commercial District since the 1970's although commercial uses have not occurred.

Mr. Olson advised when a rezoning is requested the City looks at the 2005 Comprehensive Plan which reflects commercial for the subject property. He also noted the 2005 East Lincoln Highway Corridor Plan shows Mixed Residential for the subject lot and surrounding area north of E. Lincoln Highway.

Mr. Olson reiterated the request is for a single site and will not affect adjacent properties. He said those properties can have commercial uses with the "LC" Light Commercial zoning as long as all standards are met. Mr. Olson added the rezoning for the subject property would not cause any visible changes to the area.

Mr. Olson reported the City received public input from four nearby property owners. He said the first was from Tony and Rebecca Petersen of 1415 E. Lincoln Highway who indicated they do not support the request. Mr. Olson mentioned they were concerned if the rezoning was approved it would hinder their ability to have commercial uses on their property. Mr. Olson said he spoke to Ms. Petersen and explained their site would not be affected by this proposed rezoning.

Mr. Olson read a second citizen response form from Ron Clarner of 1409 E. Lincoln Highway who also did not support the proposed rezoning. He said Mr. Clarner questioned what the rezoning would do to his taxes and insurance. Mr. Olson advised he spoke with Mr. Clarner and informed him it would not affect his zoning, insurance, or property taxes. Mr. Olson stated Mr. Clarner then indicated he did not have an issue with the proposal. Mr. Olson acknowledged two letters of support were received from Stephen Chaney of 118 Holly St. and Proven Winners Realty of 1600 E. Lincoln Highway.

Mr. Olson advised City staff recommends approval of the rezoning from "LC" Light Commercial to "SFR2" Single-Family Residential for the subject site.

Chair Maxwell asked if there were any questions from the Commission.

Mr. Wright inquired on the difference in appraisal value between light commercial and residential properties. Betty Shattuck replied the difference is approximately 10% less than the listed price of \$85,000.00. She added if the property had to go back on the market as light commercial, it would be a tremendous struggle to sell the property.

Chair Maxwell asked Dan Olson if the last transaction on this property was in the 1970's. Dan Olson responded the current owner purchased the property in 2015.

Kathy Hammes, of Coldwell Banker Real Estate said she represents the potential buyers. She reiterated on the discouraging process of trying to obtain a loan for the sale of this house and being zoned "LC" Light Commercial. Ms. Hammes added this property has always been used as a home and not for commercial purposes.

Ms. Stoker asked if this property has always been zoned "LC" Light Commercial or did it change in 2005. Mr. Olson replied it has been zoned "LC" Light Commercial since at least 1979. Ms. Stoker questioned the plan dated 2005 in her agenda packet. Mr. Olson informed Ms. Stoker it's the East Lincoln Highway Corridor Plan from 2005.

Ms. Stoker inquired about property sales in the area and if the City has ever had this brought to their attention. Mr. Olson said the City is not made aware of real estate transactions.

Chair Maxwell asked if the map provided in the agenda packet was from the last Comprehensive Plan. Mr. Olson responded yes it was from the 2005 Plan.

Chair Maxwell gave the public an opportunity to speak.

Joseph Holm of 1427 E. Lincoln Highway voiced his concern about the current snow removal procedures and if the proposed rezoning would alter the snow removal on the sidewalk in front of his home. Mr. Olson said the snow removal procedures would not change as a result of the rezoning.

Ms. O'Flaherty moved that based on the submitted petition, testimony presented, the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of the rezoning of subject site at 1421 E. Lincoln Highway from the "LC" Light Commercial District to the "SFR2" Single-Family Residential District.

Mr. Wright seconded the motion.

A roll call vote was taken. Ms. O'Flaherty – Yes, Ms. Stoker – Yes, Mr. Wright – Yes, Chair Maxwell – Yes Mr. Becker, Ms. Pena-Graham, and Mr. McMahon were absent. Motion Passed 4-0-3.

F. REPORTS

Mr. Olson announced the next meeting is scheduled for Tuesday, January 18, 2022, due to the MLK holiday falling on Monday, January 17, 2022. He added there is one hearing scheduled for Pappas Development requesting approval of an executive suites building along Barber Greene Road at County Farm Road.

G. ADJOURNMENT

Mr. Wright motioned to adjourn, Ms. Stoker seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:27 PM.

Minutes prepared by: Stephanie Turner

Approved: 1/18/2022