

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
May 2, 2022

The Planning and Zoning Commission held a meeting on May 2, 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: Steve Becker, Trixy O’Flaherty, Maria Pena-Graham, Shannon Stoker, Jerry Wright, Bill McMahan, and Chair Max Maxwell. 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 May 2, 2022, agenda as presented. Mr. McMahan motioned to approve the agenda as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. April 18, 2022 –Chair Maxwell requested a motion to approve the April 18, 2022, minutes as presented. Mr. McMahan motioned to approve the minutes as presented. Ms. Stoker 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 Johnson Oil Co., represented by Kathy Peugh, requesting variances to the UDO to allow two coolers within the 50-foot setback when abutting a residential district and parking spaces to encroach in the required setbacks for the property located at 175 W. Lincoln Highway (Shell Gas Station).

Kathy Peugh, representing Johnson Oil Co., stated they are currently the supplier for the Shell Gas Station. She said they are looking to purchase the station, which is currently an auto body shop, and remodel it to a convenience store. Ms. Peugh said the request for the variance is needed for proposed coolers, which will protrude from the back of the store and encroach within the 50-foot building setback from the north property line. She also briefly touched on the parking space variance request and noted their location and indicated there would be eight spaces with one handicap stall.

Dan Olson, Planning Director, went through the staff report dated April 28, 2022, and reiterated the applicant is looking to purchase the property and remove the three

service bays to put in a convenience store. He noted the fuel sales will still be in place. Mr. Olson said the applicant has provided a revised plan based off correspondence provided by an adjacent property owner after the agenda was posted.

Planning Director Olson detailed the applicant's request for a variance from the 50-foot building setback to the north for the coolers due to the adjacent property being residential and the subject site zoned "GC", General Commercial. He also explained the parking space setback variance request along the front, side, and rear lot lines.

Mr. Olson informed the Commission the owners Los 3 Burritos Restaurant to the west voiced concerns about the side yard setback variance for parking. He mentioned the owners, Paula and Nick Tsiftilis, are concerned about the proposed parking spaces along the west property line of the gas station being too close to their building and interfering with their business operations. Mr. Olson noted the restaurant owners said the parking would interfere with access to a service door and an air conditioning unit on the east side of their building. He went on to report on the updated site plan and stated the side yard setback variance request along the west property line has been removed. Mr. Olson stated there are eight parking spaces in the northeast corner and along Park Avenue, which will be striped and exceed the number of spaces required.

Planning Director Olson described the floor plan layout for the convenience store, showing the coolers towards the back of the store, and stated there is no other possible location to place the coolers. He showed a photo of an inside and outside view of the cooler at another location. Mr. Olson explained there would be a new fence installed along the north side of the property, consisting of a two-foot retaining wall and a four-foot-high fence. He added this will provide screening between the residential and commercial area as required in the UDO.

Planning Director Olson reviewed the criteria for variances in the staff report. He said meeting the 50-foot setback is difficult because the existing building is almost entirely in the setback itself. He added meeting the setback requirement would make this site of no use and impossible to develop with the intended uses. Mr. Olson also mentioned the applicant did not cause the variance request, but is due to the size, layout, and age of the lot. Mr. Olson said auto service bay operations have decreased and a convenience store would be more useful for the site. He noted they have met all the criteria for a variance as stated in the UDO.

Mr. Olson addressed the public input received for this request. He said Kevin and Carrie Olson of 230 West Locust Street sent a letter of support. He mentioned an e-mail was received from Jane Anderson of 121 Park Avenue voicing her concern of the location turning into a convenience store. Mr. Olson noted he replied to Ms. Anderson by pointing out a convenience store is a permitted use and is not a part of the variance request in front of the Commission. Mr. Olson stated one final e-mail was received from Paula and Nick Tsiftilis of the restaurant to the west (Los 3 Burritos) regarding the parking setback which has been addressed with the applicant's updated site plan.

Planning Director Olson stated a sample motion to approve is prepared in the staff report, noting a date change in the plan of 5/2/2022.

Chair Maxwell asked if there were any comments or questions from the Public, in which there were none.

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

Steve Becker inquired if there was a concern about sound coming from the coolers in regard to the neighboring properties. Kathy Peugh replied she does not have the exact decibels levels the coolers will produce, but it's similar to an air conditioner unit. Mr. Becker asked if she had any other locations that are as close to residences as this one. Kathy Peugh responded yes and there have not been any complaints about the noise levels the coolers produce. Mr. Becker said the only factor for him would be the noise and there doesn't seem to be a problem.

Bill McMahon questioned if the existing shed behind the building was going to remain in place. Mr. Bill Arhos, property owner, responded the shed will be taken down. Mr. McMahon compared the shed to the proposed coolers and asked if it would be the same amount of encroachment. Mr. Olson stated the distance to the north property line is about the same and it appears the coolers are a little bit larger than the existing shed. Mr. Arhos, owner of the property, informed the Commission the shed is eight feet wide and two feet away from the building totaling ten feet, the coolers would be two or three feet closer to the north property line.

Chair Maxwell stressed the Commission needs to take into account the setbacks were put in place long after the properties existed which makes things difficult, so he understands the variance requests.

Jerry Wright asked if the entrance would remain in the same location. Kathy Peugh replied yes, it will be made larger with double doors but in same location. Mr. Wright questioned if the handicap parking was the only parking along the south side of the building. Kathy Peugh responded yes.

Bill McMahon spoke on the updated site plan appeasing the neighbors to the west. He also pointed out no one to the north of the property replied with disapproval, so he would be approving the request.

Planning Director Olson informed the Commission the Tsiftilis' seemed content with the changes that were shown on the updated site plan.

Mr. Becker moved that based on the submitted petition and testimony presented and findings of fact, the Planning and Zoning Commission approve a variance to Article 5.08.04 of the Unified Development Ordinance (UDO) to allow two beverage and food coolers to encroach within the 50-foot building setback from the rear lot line when abutting a residential district and from Article 12.03.6 of the UDO to allow parking spaces to encroach within the required setbacks in the front, side and rear yards for the property located at 175 W. Lincoln Highway as shown on the site plan dated May 2, 2022 and labeled as Exhibit A.

Mr. McMahon seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O’Flaherty – Yes, Ms. Pena-Graham – Yes, Ms. Stoker – Yes, Mr. Wright – Yes, Mr. McMahon – Yes, Chair Maxwell - Yes. Motion passed 7-0-0.

F. CONSIDERATIONS – Discussion on the 2022 Comprehensive Plan Update

Planning Director Olson spoke on the updates to the Comprehensive Plan that have taken place between the last meeting (April 4) and this meeting. He explained the updates to the 2022 Land Use Plan Map have been looked at block by block and parcel by parcel.

Mr. Olson discussed one of the land use categories on the Comprehensive Plan Land Use Map, which is Residential. He noted it is split between low, medium, and high density, which is based on number of dwelling units per acre. He mentioned the density ranges are the same as the 2005 Comprehensive Plan and include: low density at 0-4 units per acre, medium at 4-8, and high at 8-12 dwelling units per acre. He added anything over 12 units per acre would have to go through the planned development process. Mr. Olson said Commercial was another category which is straightforward. He went on to discuss the addition of a “Downtown” category, which used to be covered by the Commercial land use category. He explained the addition of the “Downtown” land use category was due to a wide variety of uses in the central business district which has a distinct character and walkability with buildings constructed to the sidewalk. He added the “Downtown” category is characterized as retail, service uses, entertainment, and dining which is routinely found on the ground floor with residential and some limited service uses on the upper floors.

Planning Director Olson went on to discuss the Industrial category in the plan, leaving it as a general category to include all manufacturing, assembly, fabrication, warehouse, research parks, distribution and “high tech” industries. He explained the next category of Institutional, which includes government facilities, non-profit, religious organizations, and public/private schools. He mentioned the Open Space category included parks, golf courses, natural areas, water features, wetlands, floodplains, and low-lying farmland. Mr. Olson moved to the next category of Transportation and Utilities, which covered roads and utility corridors, railroad rights-of-way, utility rights-of-way, and the DeKalb Taylor Municipal Airport. The Agricultural category was the last one and is defined as crop farming, timber, orchards, horticulture, animal husbandry, and equestrian purposes.

Mr. Olson reviewed the draft land use map showing the large industrial areas on the southeast side of DeKalb near I-88 and Peace Road and along Gurler Road down to Keslinger Road. He added the Industrial area continues north along Peace Road to Wirsing Parkway and adjacent to the Airport property. He noted the largest change to the plan from the 2005 Plan was reducing the amount of single family residential that was planned in the mile and a half area beyond the City limits. Mr. Olson explained the amount of new single family residential was scaled back to primarily the current corporate limits due to the slow housing growth. The change in land use in these areas went to Agriculture. He mentioned there were some parcels contiguous to the City limits that were designated as future single-family residential. Mr. Olson added there are a good number of lots that are platted for single family homes that are vacant, however could be built upon in the future. He gave the examples of Bridges of River

Mist and Irongate. Planning Director Olson told the Commission the limiting of annexing large amounts of new single family residential corresponds with DeKalb County's Land Use Plan.

Planning Director Olson discussed the need to look at South Fourth Street as possibly being an overlay district or future corridor study area. He also pointed out Pleasant Street has several lots zoned commercial but have residential uses. He noted the recommendation along Pleasant St. is to recognize the residential uses and to designate them as continuing in the future. Mr. Olson said the next step is to add an implementation chapter to the plan. He mentioned next steps include continuing discussions with the Commission and to have a couple open houses for the public to comment. After the open houses, the plan will be to revise the plan accordingly and to conduct a public hearing in front of the Commission. Mr. Olson said the final step would be to submit the plan to the City Council for approval after the Commission's recommendation. The goal is to have the plan approved by the end of August.

Mr. Olson explained the breakdown of land uses, change in acres, and percentage change in land uses as shown on the chart on page 57 of the draft plan. He stated low density residential was reduced quite a bit, high density residential increased, commercial was down, industrial and institutional increased, and open space decreased. He concluded by indicating the Agriculture land use increased dramatically due to the reduction of the single-family land use designation in the mile and a half planning jurisdiction.

Keith Nyquist, of 18 Greenwood Court, expressed his appreciation to the Commission for working on updating the Comprehensive Plan. Mr. Nyquist questioned the planned development process for a specific parcel at 2239 Sycamore Road (former NIU Art Annex Building). He believed the future land use map showed this parcel to be recommended for a mixed use of high-density residential and commercial. Planning Director Olson responded that Mr. Nyquist is correct, and property is shown as mixed use. He added no development proposal as come forward for that site. He went on to say the parcel is currently zoned single-family residential so if anything comes forward, it will have to go through the Planning and Zoning Commission for review and approval including public hearing. Mr. Nyquist expressed his disapproval if high-density residential was to be built on the parcel. Mr. Olson stressed if something came forward there would be notification to any property owner within 250 feet of the site and advising them of the public hearing. Mr. Nyquist said he looks forward to discussing this at a future meeting.

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

Chair Maxwell inquired about the property at Blackhawk Road and W. Hillcrest Dr. and if it will be listed for sale. Planning Director Olson answered yes, but the City will be in control of what is put at the location since we are the property owner. He added they will be looking for mixed use (commercial, residential) which fits in with the Annie Glidden North "AGN" Plan.

Chair Maxwell questioned the architectural distinctions between houses in developments, specifically asking about restrictions of two homes being built next to

each other on the same lot. Ms. Pena-Graham stated she believed that was usually regulated within the homeowner's association covenants. Planning Director Olson stated the UDO regulates the number of dwelling units on a lot and minimum lot areas. He noted the Commission can recommend certain limitations and guidelines for this issue in the plan.

Ms. O'Flaherty asked if the Commission should research other communities to see what works for them, such as for affordable housing. She added she has ideas but wants to know what supporting material is needed to illustrate her ideas. Planning Director Olson advised the Commission is more than welcome to pass on any ideas that may come from other communities.

Mr. Becker expressed his thoughts on attracting residential developers to the community stating we should look for developers who have at least four or five models to offer.

Ms. O'Flaherty discussed the low number of middle-aged individuals living in DeKalb and that we should be addressing this issue with more single-family home options.

Planning Director Olson said he gets a good number of inquiries on tiny homes and lofts above garages that can be included with this plan.

G. REPORTS

Planning Director Olson announced the next Commission meeting is scheduled for Monday, May 16. He added there are no scheduled hearings, however the Final Development Plan for Arista Residences on Barber Greene Rd. will be reviewed as well as the continued discussions on the Comprehensive Plan.

H. ADJOURNMENT

Ms. O'Flaherty motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:59 PM.

Minutes prepared by: Stephanie Turner Approved: 5/16/2022