

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
July 20, 2020

The Planning and Zoning Commission held a Meeting on July 20, 2020, at the DeKalb Public Library in the Yusunas Meeting Room, 309 Oak St, DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:00 PM.

Chair Maxwell stated he wanted to thank everyone for being here tonight. He mentioned for those attending, the meeting room has been set up to meet the CDC recommended distancing guidelines and the Executive Order from the Governor.

A. ROLL CALL

Recording Secretary Aaron Walker called the roll. Planning and Zoning Commission members present were: Chair Max Maxwell, Vice Chair Christina Doe (via audio), Ron Klein, Jerry Wright, Steve Becker, and Trixy O'Flaherty. Principal Planner Dan Olson and City Engineer Zac Gill were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the July 20, 2020, agenda as presented. Mr. Klein 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. July 6, 2020 – Chair Maxwell requested a motion to approve the July 6, 2020, minutes as presented. Mr. Wright motioned to approve the minutes as presented. Mr. Becker 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 (Continued)** – A petition continued from July 6, 2020, by DeKalb First United Methodist Church for approval of a zoning map amendment, upon annexation, from the “SFR1” Single-Family Residential District to the “PD-R” Planned Development – Residential District, approval of an amendment to Ordinance 94-74, and approval of a concept plan to allow for the construction of an approximately 7,730 sq. ft. church and accessory uses

on approximately 16 acres of property located along the west side of N. Annie Glidden Road across from the DeKalb County Health Facility Campus.

Principal Planner Dan Olson went through the July 16, 2020 updated staff report. He noted at the July 6 hearing, the City had received several correspondences and testimony from residents of Eden's Garden stating their concerns with current stormwater issues in their development and the impact of the church on drainage in the area. He advised City Engineer Zac Gill has since reviewed the comments, site conditions, past ordinances, and plans. He stated the Public Works Department also conducted a field investigation in Eden's Garden. Mr. Olson displayed images from Eden's Garden and the surrounding area showing the flooding on the western side of the church property and areas to the north. Mr. Olson advised Public Works cleared out storm drains in the area to allow runoff to properly flow into the detention ponds in Eden's Garden.

City Engineer Zac Gill advised the City looked at the historical development of Eden's Gardens, specifically Phase II, which included the construction of the detention ponds. He advised the detention pond and conveyance pipeline were designed to accommodate the full stormwater runoff from the parcels just east of Eden's Garden. This also included the subject property and the property just north of the church site.

Mr. Gill stated the outlet pipes for the detention pond just south of Beautiful Gate Drive in Eden's Garden were blocked with debris. He advised the City has already taken measures to clear out the pipes and mentioned the detention pond has already receded two to three feet. Mr. Gill noted there is a 12-inch pipe on the eastern portion of Eden's Garden that provides an inlet for the backyards of the properties on Omega Circle Drive, as well as inlets for the surrounding farm tiles. He advised this 12-inch pipe was hydraulically clogged due to the elevation of the pond being at such a high level. He noted the clearing of the outlet pipes corrected this issue. Mr. Gill advised with collaboration from the Eden's Garden Homeowner's Association and continued maintenance of the pipping, flooding of the properties at the western end of the subject property (church site and areas north) can be prevented.

Mr. Gill noted the proposed church will be adding to the stormwater runoff to the west and advised if any of the farmland is converted to greenspace, it is still considered developed. He advised developed property that is subject to the stormwater regulations is not isolated to only structures or parking lots. He stated the developed land will be studied for stormwater impacts and runoff and reports will be sent to his office for review. He advised Article 11.02.06 of the Unified Development Ordinance governs the requirements of new developments and stormwater impacts. He stated there are very strict standards that all developments have to follow. He advised all runoff and

stormwater will be contained within the detention ponds and will not be allowed to flow onto neighboring properties.

Mr. Olson mentioned Steve Storey, Jeff Linkenheld, and Vice Chair Doe were participating via video conference. He noted Steve Storey is the current landowner of the subject property and Jeff Linkenheld is the engineer for DeKalb First United Methodist Church.

Mr. Olson advised City staff has been in contact with the residents who attended the last Commission meeting and included Sam Baker and Jim Neff. He noted City staff have kept them up to date on actions taken by the City Engineer and Public Works.

Mr. Olson stated changes were made to the recommended development standards that were provided with the original motion to approve, which required the petitioner to provide final engineering plans prior to any construction on the subject site. He advised the engineering plans will include stormwater calculations demonstrating it meets all storm water requirements of the UDO. He noted the change was to now require the final development and engineering plans to come before the Planning and Zoning Commission and the City Council instead of just approved by City staff.

Chair Maxwell gave the public an opportunity to speak.

Sam Baker, of 1230 Omega Circle Drive, advised he has been in contact with City staff regarding solutions to the drainage issue along Omega Circle Drive. He pointed out the clearing of the outlet pipes has already helped with the drainage issues. He noted Mr. Storey will also be installing larger piping to help with drainage on the subject site. Mr. Baker said he hopes the City will continue to work on the site in the future and keep the outlets clear.

Brad Fisher, of 1225 Omega Circle Dr, inquired if there will be a set inspection schedule for the outlet pipes. He stated flooding is a constant issue and hopes the City will continue to maintain and inspect the piping.

Mr. Gill clarified the detention ponds are not owned, maintained, or operated by the City on a day to day basis. He noted the drainage district (Normal #13) and the City of DeKalb have easements to allow for access to the ponds to address major issues that require large equipment or removal of debris. He said, however, the day to day maintenance is up to the Homeowner's Association of Eden's Garden. He advised the City had discussions with the Homeowner's Association and came up with a plan to keep debris away from the outlets. He mentioned the City will respond if there is an issue, but it is a shared responsibility.

Chair Maxwell gave the Commission an opportunity to speak.

Mrs. O'Flaherty advised all her concerns have been addressed. She noted the residents seemed satisfied.

Mr. Wright said he was satisfied with the actions taken by the City and residents.

Mr. Becker liked that fact the final development plan would be coming back to the Commission in the future for review.

Mr. Maxwell thanked City staff for investigating and taking action to correct the issues.

Mr. Becker moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a zoning map amendment, upon annexation, from the "SFR1" Single-Family Residential District to the "PD-R" Planned Development – Residential and approval of an amendment to Ordinance 94-74 to allow for the construction of an approximately 7,730 sq. ft. church and accessory uses for approximately 16 acres of property located along the west side of N. Annie Glidden Road across from the DeKalb County Health Facility Campus. Approval is also recommended for a concept plan, architectural elevation, landscape plan and plat of dedication described in Exhibit A of the staff report and approval of the Planned Development Standards described in Exhibit B of the staff report.

Mr. Wright seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Mrs. O'Flaherty – Yes, Mr. Wright – Yes, Mr. Becker – Yes, Vice Chair Doe – Yes, Chair Maxwell – Yes. Motion passed 6-0-0.

2. **Public Hearing** – A petition by Ricky Brown for approval of a variance to Articles 7.06.3 and 7.06.6. of the Unified Development Ordinance to allow a six (6) foot high privacy fence to encroach into the front building line along Culver Street for the property located at 904 S. 4th Street.

Mr. Olson went through the staff report dated July 16, 2020 and advised the proposed fence has already been constructed. He noted the subject property was a former car wash. He stated the owners of the property, Ricky Brown and Brian Sipes, were present to answer any questions. He advised a fence permit was applied for by Ricky Brown, but the installation was completed before the permit was approved. He noted there was an issue with the setback along Culver Street and a variance has been requested.

Mr. Olson said the UDO requires a six-foot-high privacy fence constructed on a corner lot must be built along the front building line. He noted the constructed fence extends approximately 20 feet into the front building line along Culver St. and it is setback 11 feet from the sidewalk. He stated the petitioner extended the fence past the building line to allow for more outdoor storage. He noted a landscaping business currently leases the subject site.

Mr. Olson advised setback requirements are established to prevent any visibility issues and to protect the sight lines of adjacent properties. He stated the constructed fence is further setback than many of the homes on Culver Street to the east and does not cause any visibility issues. He noted the fence meets all the visibility requirements of the adjacent alley to the east as well.

Mr. Olson explained the constructed fence meets all the criteria for the Findings of Fact for Variations found in the UDO. He noted the fence does not hinder visibility, it matches the aesthetics of the neighborhood and does not have a negative impact on the neighborhood or adjacent properties.

Mr. Olson advised email response forms were received by Noelle Jacobson of 424 Culver Street and Rich Kakkuri of 418 Culver Street, both stating their support for the fence. He added Mr. Brian Scholle, the owner of building to the north containing Maisy's Video Gaming, was also in support of the fence.

Mr. Olson stated a condition was added to the variance approval stating the storage of any loose landscaping material directly on the ground is prohibited and all vehicles, equipment, and landscaping materials related to the business must be stored behind the six (6) foot high privacy fence.

Mr. Sipes pointed out the fence was not only for storage, but also to prevent vehicle traffic from cutting through their lot. He noted the fence also follows the edge of the existing paved area along Culver Street.

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

Chair Maxwell gave the Commission an opportunity to speak.

Mr. Klein stated he visited the property and stated the fence was constructed well and fit into the neighborhood. He noted he was in support of the fence.

Mr. Maxwell questioned if the fence was constructed early because the permit approval process took too long. Mr. Sipes said the approval process took over two months and the construction couldn't be rescheduled.

Mrs. O'Flaherty moved that the Planning and Zoning Commission approve a variance to Articles 7.06.03 and 7.06.6 of the Unified Development Ordinance

to allow a six (6) foot high privacy fence to encroach into the front building line along Culver Street for the property located at 904 S 4<sup>th</sup> Street as shown on the site plan dated 7-9-20 and labeled as Exhibit A to the staff report and subject to the following:

1. The storage of all equipment, vehicles and landscape materials related to the business on site must be stored behind the six (6) foot high privacy fence as shown on Exhibit A. The storage of any loose landscape materials (e.g. sand, soil, rocks, mulch) directly on the ground is prohibited.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Ms. O’Flaherty – Yes, Mr. Wright – Yes, Mr. Becker – Yes, Vice Chair Doe – Yes, Chair Maxwell – Yes. Motion was passed 6-0-0.

#### F. REPORTS

Mr. Olson advised the next scheduled meeting is August 3, 2020 however, no public hearings have been set. He stated the Raising Cane’s along Sycamore Road has started construction with plans to open by the end of the year. He said construction has also begun on Isaac Suites located at Oakland Drive and Sycamore Road, as well as Agora Tower located on N. 4<sup>th</sup> Street.

Mr. Olson stated the Mayor has spoken to a few candidates to replace Vicki Buckley as a Commission member and someone should be appointed shortly.

#### G. ADJOURNMENT

Mr. Klein motioned to adjourn, Vice Chair Doe seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:34 PM.