The Planning and Zoning Commission held a Meeting on October 23, 2019, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Chair Christina Doe called the meeting to order at 6:00 PM.

A. ROLL CALL

Principal Planner Dan Olson called the roll. Planning and Zoning Commission members present were: Chair Christina Doe, Steve Becker, Vicki Buckley, David Castro, Ron Klein, and Jerry Wright. Commissioner Max Maxwell was absent. Principal Planner Dan Olson and City Engineer Zac Gill were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Doe Requested a motion to approve the October 23, 2019, agenda as presented. Ms. Buckley 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

October 9, 2019 – Mr. Klein motioned to approve the minutes. Mr. Castro 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 – Petition by DeKalb 343 LLC, represented by Jerry Krusinski of Krusinski Construction Company, for approval of amendments to Ordinance 06-107 and Ordinance 06-109 to accommodate an approximate 1,222,400 square foot distribution center and a 466,560 square foot packing center as shown on the site plan made part of the zoning application for approximately 106 acres out of a total site area of approximately 343 acres for property located east of State Route 23, north of Gurler Road, west of Crego Road and south of I-88.
The applicant, Jerry Krusinski of Krusinski Construction Company, noted the history of purchasing the subject site in 2005. He advised in 2006 there was an annexation agreement approved to develop a business park focused on industrial development. He noted there were provisions to allow for retail and commercial properties along Route 23. Mr. Krusinski showed the Commission the concept plans and the preliminary plat that were generated during the original annexation process. Mr. Krusinski said the agreement had strict development, landscape, signage, and building guidelines in order to construct a successful business park, as well as being good neighbors. He advised, after the 2008 recession, they were no longer able to move forward with the original concept site plans. He added they have pursued many development opportunities but have been unsuccessful.

Mr. Krusinski advised they had recently obtained an opportunity with an investor to build a two-building complex. He noted the investor is looking to construct a 1.2 million square-foot distribution center for food related products with an adjacent smaller packaging center. Mr. Krusinski said the two-building complex will provide 1,000 jobs at full growth and the investor would be purchasing enough land to expand and build a manufacturing center at a later date.

Mr. Krusinski noted the only access to this development would be off Gurler Rd in order to control traffic and have the least impact on the residences along the west site of Rt. 23. He stated a berm would eventually be built along Route 23 to enhance the screening and environment for the neighboring residences. He added the western and eastern portions of the 343 acres will continue to be farmed until further expansions or developments. Mr. Krusinski pointed out the main detention pond for the development will be in the northwest corner of the site.

Principal Planner Olson went through the staff report dated October 18, 2019 and recommended approval of the request. He informed the Commission the City, DCEDC and other entities have been working with the developer and end user regarding the development’s layout, utility extension, and incentives. He advised the proposed uses are permitted in the planned development ordinance that was approved in 2006. Mr. Olson noted the concept plan that was approved in 2006 is slightly different than the current plan, which has a different layout regarding roads and building sizes. He said this warrants an amendment to the annexation agreement and ordinance from 2006.

Principal Planner Olson advised the proposed development meets all the standards in the agreement regarding setbacks, height restrictions, parking standards, and other requirements. Mr. Olson advised the intent is to amend the 106 acres that the distribution center and packing center will occupy. He added the applicant, DeKalb 343 LLC, will amend the standards for the rest of the site at a future date.

Mr. Olson advised the annexation agreement called for the final plat and plan to come before the Planning and Zoning Commission and City Council for approval. He added the applicant was requesting the plan submitted for the distribution center and packaging center would be accepted and approved as a preliminary plan. He added the applicant
Mr. Olson stated the final plan will only need to be approved by staff. Mr. Olson advised in the current agreement, a private design review committee was to be established, however the applicant has requested the committee be removed from the agreement. He stated there are other standards in the agreement and in the Unified Development Ordinance (UDO) regarding landscaping, signage, setbacks, and other requirements.

Mr. Olson advised the original agreement called for no fewer than two and no more than three public street access points and only two private access points off Gurler Rd. He noted the applicant’s preliminary plan shows five private access points along Gurler. He mentioned one of the proposed amendments will allow for five private access points along the road. Mr. Olson advised a traffic study was conducted for the first phase of development and noted the recommendations included resurfacing Gurler Rd. from Route 23 to Peace Rd. and Peace Rd. from Gurler Rd to I-88 eastbound ramps. He added the study recommended modifying the intersection geometry of Gurler Rd. at Peace Rd., and providing left turn and deacceleration lanes for the private access points along Gurler Rd. Mr. Olson noted Route 23 is under the jurisdiction of the Illinois Department of Transportation (IDOT), which would provide them control on any access points or improvements along the road.

Mr. Olson mentioned that multiple citizen response forms were submitted, as well as emails and letters. He stated letters of support were received from Young Real Estate Group (own property direct east of the site) and from Wennlund Farms LLC, (own property at the southeast corner of Gurler and Crego Rd.). Mr. Olson mentioned a letter of support with comments was received from Ingrid Inboden of 2975 S 4 th St. and the City received three letters and emails against the proposal: Kathy Kivisto of 2375 S 4 th St., John and Donna Conlin of 3155 S 4 th St., and Robert Becker of 3011 S 4 th St.

Mr. Olson advised the staff’s recommendation is approve the proposal as it will have positive effects on the economy and would be transformative to the City. He continued by pointing out the property taxes generated from the project would be comparable to the existing property taxes generated from the five largest warehouse distributors in the City. He added if the site is selected by the investor, they would like to construct and occupy the buildings by the end of 2020. He noted the applicant requested an expedited approval process in order to make that possible.

Chair Doe then invited attendees in the audience to speak.

John Conlin, of 3155 S 4 th St, started his disapproval of the development project. He noted he was not informed of any zoning or public hearings until October 4 th, 2019. He expressed his concerned with the water main, storm sewers, and drainage in the area, as flooding is already common. He stated his concerns with the increased traffic in the area due to the possibility of 1000 new employees and truck traffic. Mr. Conlin stated he was concerned with the widening of Route 23 and how much of his property he would
lose. Principal Planner Olson and City Engineer Gill reiterated the results of the storm water and traffic studies submitted to the City. Mr. Gill noted a stormwater management plan was submitted and reviewed by the City meeting all requirements. He added the stormwater pond at the northwest portion of the site will be sized to accommodate the development. Mr. Olson and Mr. Gill added the current agreement calls for any additional right of way needed along Rt. 23 would come from the east side.

Tom Inboden, of 2975 S 4th St, had concerns about the water drainage surrounding his property and where the storm water from the development project will end up. He noted his concern for the traffic, as well as the speed limit along Rt. 23. Mr. Inboden added he wanted to make sure the gateway into the City along Rt. 23 was maintained and a good size berm be added along the east of the road. He stated he thought the project would be a positive for the City by adding jobs. Chair Christina Doe requested that the City investigate the speed limit along Route 23.

Ingrid Inboden, of 2975 S 4th St, had concerns regarding the light pollution from the project, berming along Rt. 23 as well as the speed limit along the road. Ms. Inboden mentioned there is already a major flooding issue in the area and is concerned the development will add to it. Principal Planner Olson advised Ms. Inboden and the Commission of the lighting requirements in the UDO and how it limits light pollution.

Kathy Kivisto, of 3275 S 4th St, advised she is opposed to the development due to her driveway being right next to the Gurler Rd. and Rt. 23 intersection. She stated traffic is already an issue with the grading and construction work happening at the site, making it extremely difficult to exit and enter her driveway. She stated turn lanes should be added to Rt. 23 onto Gurler Road. City Engineer Gill reiterated the findings of the traffic study and the timeline of improvements based on the study.

Paul Borek, of 2179 Sycamore Rd in DeKalb, Executive Director of the DeKalb County Economic Development Corporation stated his support for the approval of the amendments to the annexation agreement. He added there will be significant property taxes and employment benefits with the project.

Chuck Kaiser, of 230 W State St, representing First Midwest Bank and the DeKalb County Economic Development Corporation mentioned his support for the proposal.

Jerry Wahlstrom, of 332 Greenwood North, representing the DeKalb County Economic Development Corporation stated his support for the request. He stated his involvement in the real estate market and believes the development would boost to the housing market in DeKalb.

Cohen Barnes, of 234 Greenwood North, representing the DeKalb County Economic Development Corporation mentioned he is excited for the development project and how it will positively transform the community.
Paul Callighan, of 1512 Crayton Cir East in DeKalb, stated his support for the development project. He praised the effort put forth by DeKalb 343 LLC to market and maintain the parcels involved in the development project. He noted the positive economic impact the development would have on DeKalb.

Frank Roberts, of 1130 Glidden Ave. DeKalb, also representing the DeKalb County Economic Development Corporation stated his support for the development. He advised the need to expedite the process in order to ensure that the development project stays in DeKalb.

Shirley Balika, of 355 Gurler Rd, advised her concern for the water drainage in the area. She had concerns that her property would be taken to widen Gurler Rd, as surveys of her property line are being completed. City Engineer Gill stated any widening of Gurler Rd would occur on the east side of the road.

Kathleen Davenport, of 2955 S 4th St, advised the grading work occurring on the site starts at 5:30 AM on most days. She stated she has a hard time falling asleep with the light and noise pollution and has concerns with the water drainage. City Engineer Gill advised the Commission and Ms. Davenport of the City and County ordinances regarding the water release rate. Mr. Krusinski responded by saying he apologized to Ms. Davenport for the early construction hours and would work with the contractor to limit the impact.

Chair Doe gave the Commission members the opportunity to speak.

Commissioner Wright asked for a comparable development to the 1.2 million square ft distribution center proposed. Mr. Krusinski advised the Target development is 1.5 million square ft. Mr. Olson noted the last 3M building constructed was just under one million sq. ft. Mr. Wright asked who initiates the process with the IDOT to widen Route 23. City Engineer Gill advised the City would submit the traffic study completed for the project to IDOT. He also advised the traffic study is available to the public upon request. Mr. Wright questioned if there is anything in IDOT’s requirements that would require citizens to give up portions of their property for the expansion of Gurler Rd or Route 23. Mr. Krusinski advised that all land required for the expansion from Rt. 23 would come from the east side or development side of the project. Commissioner Wright stated his support for the development project.

Commissioner Buckley requested an estimate on the number of trucks that would be entering and leaving the development per day. City Engineer Gill advised the traffic study estimated 870 heavy vehicle trips per day. Ms. Buckley stated her support for the development project.

Commissioner Becker inquired if the areas of future expansion were considered in the traffic study. Mr. Krusinski advised it was.
Commissioner Klein inquired why the grading was already started, even though the development wasn’t approved yet. Mr. Krusinski stated the project would take a large amount of time to complete if grading was delayed until approval. He added in order to expedite the process, a permit was submitted and accepted for mass grading. Mr. Olson said the current annexation agreement allowed for a grading permit to be issued as long as certain submittal requirements were met. Mr. Klein advised his concerns regarding the storm water drainage. Mr. Olson noted the stormwater has been reviewed by the City Engineer and has meet all City requirements. Mr. Klein stated his approval of the development project as long as all of the issues raised have been addressed.

Commissioner Castro inquired what financial status the jobs being created hold and questioned why the developer has not disclosed the name of the food distribution company. Mr. Krusinski advised it’s common for businesses not to disclose their name until the purchase agreement is signed. Mr. Castro noted his approval of the project as long as the project is done right and met all requirements.

Chair Doe inquired if the 1000 jobs created will be distributed over various shifts, which was verified by Mr. Krusinski. Chair Doe asked if Mr. Krusinski could address the noise pollution during early morning hours. Mr. Krusinski advised that adjustments would be made to accommodate the surrounding area. Chair Doe inquired if there is the possibility that more access points would be added off Gurler Rd. Mr. Krusinski advised that will likely occur as future development comes in. Chair Doe inquired if a bike path or bus route will be added near the development to help employees get to work. Principal Planner Olson said that has not been discussed but is very possible and will be investigated further. Mr. Krusinski added they have spent a lot of time attempting to get the right user for the property and have discouraged heavy industrial users.

Chair Doe gave the public one more opportunity to speak.

Ingrid Inboden, of 2975 S 4th St, inquired who would be responsible if the surrounding residences flood due to the development. Mr. Krusinski stated that he has contacted the State of Illinois, Union Pacific RR, and the Army Corp of Engineers in order to take every step-in order to prevent flooding in the area and to remedy the problems.

John Conlin, of 3155 S 4th St., asked how many shifts there will be there at the food distribution center. Mr. Krusinski responded they may have three shifts eventually, but not sure at the beginning of operations. Discussion continued with the Commission regarding lighting concerns and berming.

Ms. Buckley made a motion based on the submitted petition and testimony presented, the Planning and Zoning Commission recommended to the City Council approval of the amendment to the annexation agreement and an amendment represented by Ordinance 2006-107 and 2006-109, to allow for an approximately 1,222,400 square ft distribution center and a 466,560 square ft packing center on approximately 106 acres located between Route 23, Gurler Rd, Crego Rd, and I-88, subject to the plans, standards, and conditions listed in Exhibit A of the staff report. Motion was seconded by Klein.
A roll call vote was taken. Ms. Buckley – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Wright – yes, Mr. Becker – yes, Chair Doe – yes. Mr. Maxwell was absent.

2. Public Hearing - Petition by BQ Enterprises, Inc., an Illinois Corporation for approval of a Zoning Map Amendment from the “LI” Light Industrial District to the “PD-I” Planned Development – Industrial District to allow for a medical cannabis dispensary and consideration to approve a Planned Development less than two acres and a medical cannabis dispensary in a multi-tenant building and other approvals as required to accommodate the proposed use. The subject property is located at 700 Peace Road.

Craig Krandel, of 15016 W South St Rd in Woodstock, representing BQ Enterprises Inc advised this is a request for a medical cannabis dispensary and applicable rezoning to the “PD-I” Planned Development District for the site at 700 Peace Road. He stated the Unified Development Ordinance (UDO) requires Planned Developments on sites of two acres or more and does not allow medical cannabis dispensaries in multi-tenant buildings. Mr. Krandel mentioned a medical cannabis dispensary is a special use in the “LI” District; however, a variance/waiver cannot be granted through a special use. He added the dispensary would be the first and only dispensary in DeKalb County. Principal Planner Olson went through the staff report dated October 18, 2019. He advised the applicant is proposing to locate in a 3,600 square foot unit space (north side of building) at 700 Peace Road, Suite B. He added the space is part of a two-unit condominium, so the boundaries of the lot coincide with the area of the tenant space. Mr. Olson noted the adjacent owner to the south is Competitive Edge, which is approximately 7,170 sq. ft. in size.

Mr. Olson advised the UDO has specific regulations for medical cannabis facilities (dispensaries and cultivations centers) including setbacks to schools, day care facilities and residential areas and the type of buildings they can locate in. He added there are also separate parking, signage and other development restrictions including security and surveillance measures. Mr. Olson noted the applicant has provided a floor plan indicating the layout of the facility and will be discussing the proposed security plan with the Police Department. He concluded by stating as a condition of approval, staff is recommending that a security agreement/plan be approved between the City and applicant prior to final occupancy of the space.

Mr. Olson noted with the approval of the medical cannabis dispensary at 650 Peace Road in 2017, staff recommended a time limit for the applicant to obtain a state-issued license and to complete the build-out of the tenant space. He stated staff is recommending the applicant obtain a state-issued medical cannabis dispensary license for the subject site within one year of approval of the Ordinance granting the rezoning. In addition, Mr. Olson stated staff is recommending the applicant complete all required build-out and tenant improvements within six months after issuance of the state-issued medical cannabis dispensary license (and prior to opening of the facility).

Mr. Olson advised the City received a Citizen Response Form from Donald Jones, president of the DeKalb Forge Company along Pleasant St., indicating opposition to the
reiterated the proposed rezoning request will allow a medical cannabis dispensary in a location that meets all the current requirements of the UDO, except for two exceptions, and will be in a location that will not have a detrimental effect on adjacent businesses or land uses. He concluded the proposed facility would also be in compliance with proposed amendments the City is considering to the UDO regarding recreational and medical cannabis dispensaries.

Chair Doe then invited attendees in the audience to speak.

Donald Hawkins, of 700 Peace Rd Suite A, owner of the neighboring business, Competitive Edge voiced his concern for the security of the building and wanted to ensure the building will have 360-degree security footage.

Donald Jones, President of DeKalb Forge along Pleasant St., stated having a cannabis dispensary will have a negative effect on public safety and his business. He added that his business is drug free and having a cannabis dispensary so close would be harmful to his employees.

Michael Embrey of 425 Fairmont Dr. in DeKalb and owner of Fun Me Events at 650 Peace Road – Suite F stated there are strong economic benefits to cannabis dispensaries and hopefully one will be located in DeKalb County.

Lucas Ray, of 548 Kendall Ln. in DeKalb and representing DeKalb Forge stated his concern with the location of the dispensary and the possibility of recreational sales. He advised the safety concerns of having heavy industrial sites near the dispensary, as it causes safety risks to his employees.

Mr. Klein advised he only supports a medical cannabis dispensary and would not want the business to expand into recreational cannabis. He stated he will vote no in the future if there is a proposal to expand into recreational cannabis.

Mr. Becker inquired whether employees can be tested for cannabis once recreational marijuana is legalized in 2020. The applicant, Mitchell Zaveduk, of 2844 Floral Drive in Northbrook, advised that employees can be tested for marijuana use. Ms. Buckley advised the same.

Mr. Becker inquired what would the change in sales be going from a medical dispensary to both medical and recreational cannabis sales. Mr. Zaveduk advised there is the potential of doubling sales.

Mr. Wright requested clarification on the security footage coverage and overall security. Mr. Zaveduk advised he cannot guarantee 360-degree coverage, but he will ensure security will be taken very seriously and they will work with the police department as well. He added the police department will have access to live video feed if requested and noted the state safety requirements are very strict and will be followed.
Chair Doe gave the public one more opportunity to speak. There was none, and the public hearing was closed.

Ms. Buckley moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Zoning Map Amendment from the “LI” Light Industrial District to the “PD-I” Planned Development Industrial District to permit a medical cannabis dispensary and exceptions to the UDO regarding minimum lot size for a Planned Development and for a medical cannabis dispensary in a multi-tenant building for the property located at 700 Peace Road, Suite B in the space as shown on Exhibit A in the staff report and subject to the conditions listed in Exhibit B of the staff report. Motion was seconded by Mr. Becker.

A roll call vote was taken. Mr. Castro – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. Buckley – yes, Mr. Becker – yes, Chair Doe – yes. Motion passed 6-0-0. Mr. Maxwell was absent.

F. REPORTS

Principal Planner Olson stated the next Planning and Zoning Commission meeting would be November 6, 2019, with a public hearing for a petition by the DeKalb Community School District for approval of a special use permit to allow an electronic changeable copy sign (digital display sign) at Clinton Rosette Middle School. He added there will be a second public hearing for a rezoning from the “GC” General Commercial District to the “PD-C” Planned Development Commercial District to allow for a video gaming establishment at 1704 Sycamore Road.

Mr. Olson recognized and welcomed new Commission member Steve Becker. He also went through the updated Zoning and Developments sheet that was handed out to the Commission.

G. ADJOURNMENT

Mr. Castro motioned to adjourn, Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 9:10 PM.

Respectfully Submitted,

Dan Olson, Principal Planner