The Planning and Zoning Commission held a Meeting on November 6, 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 preset were: Chair Christina Doe, Steve Becker, Max Maxwell, David Castro, and Ron Klein. Commissioner Vicki Buckley and Jerry Wright were absent. Principal Planner Dan Olson was present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Doe Requested a motion to approve the November 6, 2019, agenda as presented. Mr. Maxwell motioned to approve the agenda as presented. Mr. Castro seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

None

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

None

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).

Brandon Weis, of 1100 US-34 in Aurora, representing the Aurora Sign Company, stated he was here on behalf of DeKalb School District 428. He stated the school district is proposing to replace and construct a new ground sign along N. 1st St. in front of Clinton Rosette Middle School. He noted 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. Mr. Weis advised the proposed sign will about 20 feet from the right-of-way of N. 1st St. at the same location of the existing sign. He added the new sign falls under the UDO regulations that allows churches, schools and public buildings to have
one Identification/Information Sign not to exceed 50 sq. ft. and 15 feet in height. He stated the proposed sign will be just under 13 feet in height and about 50 sq. ft. and the digital display portion of the sign will be about 25 sq. ft. or about 50% of the total sign area.

Mr. Weis advised the sign has auto-dimming capabilities and will change its illumination based on amount of daylight. He noted it can be programmed to dim or turn off based on a schedule. He added the sign is about 400 ft. from any residential properties.

Principal Planner Olson went through the staff report dated November 1, 2019 and recommended approval. He advised 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. He noted the site is zoned “SFR2” Single-Family Residential and “MFR1” Multi-Family Residential and a school is a special use in those districts. He advised 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.

Mr. Olson provided examples of recent special use permits for other electronic changeable copy signs. He advised 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. He noted in October 2018 the City approved a special use permit to allow Hillcrest Covenant Church at 1515 N. 1st St. to have a 30 sq. ft. and 5 ft. high electronic changeable copy sign that replaced an existing ground sign with manual changeable copy. He noted these approvals had multiple operational limitations, which is recommended for the proposed sign. He said for Littlejohn School, an additional condition was added stating the sign could only be illuminated when school was in session or when there was a school activity occurring in the building. Mr. Olson added the condition was added since the sign was located as close as 25-50 feet to several homes.

Mr. Olson advised the Commission the City has also approved electronic changeable copy signs in the past. He noted they included 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. Mr. Olson mentioned staff is recommending the operational conditions 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 staff report in Exhibit B. He noted the applicant has reviewed the conditions and has indicated they would comply with the standards.

Mr. Olson advised the proposed electronic reader board sign at Clinton Rosette Middle School will not have a detrimental effect on the adjacent properties or
land uses. He added the proposed electronic reader board 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. Mr. Olson stated the special use will not dominate the immediate area and will not prevent development on the neighboring properties. He noted the surrounding area is already developed with commercial uses, multi-family and single-family residential uses, a church and cemetery.

Mr. Olson advised the City had received multiple responses and comments from citizens. An e-mail from Peter and Florence Gerlach of 218 Sycamore Rd and a Citizen Response Form from Beverly Joan Watson of 821 N. 5th St, was received stating their objection to the proposal. A Citizen Response Form from Jonathan and Jenifer Lowe of 206 Sycamore Rd had comments regarding the lighting and the size of the sign. Cary Nelsen of 216 N. 1st St who also owns property at 719 N. 4th St, submitted a Citizen Response Form noting her support for the sign.

Mr. Olson said staff recommended approval of the special use request, which will allow the school to inform the public of school and district related activities and announcements.

Chair Doe then invited attendees in the audience to speak.

Peter Gerlach, of 218 Sycamore Rd, stated his opposition for the sign. He noted his concern for the effect light pollution would have on neighboring wildlife and residences. He stated drivers would also be distracted when the sign changes phrases or pictures. He requested the Commission deny the special use permit.

Chair Doe gave the Commission members the opportunity to speak.

Mr. Maxwell questioned how the automatic dimming feature works, and how bright the sign can be. Mr. Weis advised both sides of the sign have light sensors that adjust the brightness of the sign automatically. He advised the sign is within the City’s UDO regulations, which does not allow the sign to be brighter than 500 nits.

Mr. Klein inquired if the sign will be illuminated all night. Mr. Weis advised the UDO does not restrict if the sign will be illuminated at night and the school district will make that decision. Tammy Carson, Director of Facility Operations Services for Dekalb School District 428, advised they have received no complaints regarding illumination of the current sign. She advised the current sign is on 24 hours a day, however, they have not decided if the new sign will be the same. She noted the existing sign is old and damaged and needs to be replaced.
Mr. Castro inquired if the sign would turn off if the sensor stopped working. Mr. Weis advised the sign would have to be turned off manually if the sensor stopped working. He noted they have never had a sensor stop working in one of their signs. Mr. Becker inquired if the previous sign was LED and if the newer sign will be more energy efficient. Mr. Weis advised the current sign has fluorescent tubes and the new sign will be significantly more energy efficient.

Chair Doe inquired whether the sign could change colors. Mr. Weis and Ms. Carson advised the lights can change colors. Mr. Klein asked Mr. Gerlach if the existing sign bothers him. Mr. Gerlach responded that it does.

Mr. Maxwell pointed out the proposed sign will not emit out more light than the existing sign. Mr. Castro asked if there likely would be any activities at the school after 9:30/10:00 at night. The Principal of Clinton Rosette Middle School, Brant Boyer, stated there would be very few activities after 10:00 PM.

Chair Doe gave the public one more opportunity to speak.

Mr. Gerlach advised if the sign was turned off during the overnight hours, he would not be opposed to the sign.

There were no further public comments.

Chair Doe gave the floor to the Commissioners to discuss the petition.

Mr. Becker advised he recommends the sign be dimmed to the minimum amount after 10:00PM and not be brightened until 6:00AM. Mr. Castro, Mr. Klein and Mr. Maxwell stated they could support that recommendation. Discussion by the Commission took place regarding the hours when the lights in the proposed sign should be turned off or dimmed.

Mr. Olson advised if a motion was passed regarding the brightness during overnight hours, it must be specific so it can be enforceable. He suggested if there was a motion to restrict the overnight hours, it should be to completely shut off the sign after a certain time.

Ms. Carson and Mr. Weis noted there are other activities the school district would like to advertise on the sign beyond the ones only conducted at Clinton Rosette.

Mr. Weis advised the illumination from the school parking lot lights and passing vehicles on 1st St casts much more illumination than the proposed sign would produce. He noted the brilliancy of the light would not extend to the residential properties 400 ft way, where Mr. Gerlach lives. Mr. Weis noted it would be hard to control the dimming at night and stated nearby lights from vehicles would affect the dimmer.
Mr. Olson noted the electronic changeable copy sign at Littlejohn Elementary School that has the hour restrictions is different than the one at Clinton Rosette because its located in the parking lot and only visible to parents of children that attend the school. He added the one proposed for Clinton Rosette is along N. 1st St. which is a major road and has a lot of traffic and visible to the general public.

Mr. Klein stated precedence was set for the previous sign that went before the Commission at Hillcrest Covenant Church at 1515 N. 1st St. He noted there were no restrictions regarding turning the sign off during overnight hours.

Mr. Becker advised Mr. Gerlach he would make a motion for the petition to be passed as presented. Mr. Becker recommended Mr. Gerlach speak with neighbors if they are also concerned with the lighting and have them attend the next Council meeting to express their concerns.

Mr. Becker advised based upon the submitted petition and testimony present, he moved 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 of the staff report. Motion was seconded by Maxwell.

A roll call vote was taken. Mr. Becker – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Chair Doe – yes. Motion was passed 5-0-0. Mr. Wright and Ms. Buckley were absent.

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.

Tim Muldowney, of 7791 Joy Ln in Roscoe, IL representing DeKalb-Harlem LLC, advised they are proposing to establish a video gaming establishment in
an approximate 2,000 sq. ft. tenant space previously known as Lacey’s Place, at 1704 Sycamore Road. He noted the subject site is 7.26 acres, which includes the building the establishment will be located in and the rest of the site that DeKalb-Harlem LLC owns, which includes the parking lot and two other freestanding buildings. He noted the tenant space for the proposed establishment is about 2,000 sq. ft. and substantial work has occurred inside the space in order to accommodate the proposed use.

Mr. Muldowney noted amendments made to the UDO in March 2017 required them to obtain a special use permit for a video gaming establishment. He added one of the additional requirements approved in March 2017 was a video gaming establishment must be at least 500 feet away from another establishment. He stated Charley’s Video Gaming, located at 1792 Sycamore Road, is approximately 465 feet away from the proposed Lacey’s Place. He said reducing the 500 ft separation requirement for video gaming establishments is not a variance that can be requested, so they are requesting to rezone the site to the PD-C Planned Development Commercial District to accommodate the reduction.

Mr. Muldowney advised the tenant space has been vacant since 2008 and wasn’t generating any revenue. He mentioned in 2016 an investor signed a lease for the site to be used as a licensed video gaming establishment, to be called Lacey’s Place. He added the investor obtained local approvals and attempted to obtain state approvals for the video gaming establishment, however the investor was unable to obtain state approval.

Mr. Muldowney stated, this past June, an applicant came forward to re-open it as a video gaming establishment, however, they did not have full approval by them and eventually withdrew the petition. He stated DeKalb-Harlem, LCC is interested in opening the video gaming establishment with a new owner/operator and intends to re-apply for the liquor and video gaming licenses and obtain the appropriate zoning for the site.

Mr. Muldowney advised he wanted to clarify some issues in the staff report. He noted the new investor will most likely not be using the name Lacey’s Place. He also mentioned the investor was initially not going to object to the hourly restrictions on liquor sales discussed in the staff report, however they learned that per State law, video gaming cannot occur if liquor sales are not permitted. Mr. Muldowney requested there not be any additional conditions on hours of operation.
Mr. Muldowney noted they had concerns with the wall signage restrictions that were put in place for Maisy’s along S. 4th St, and the video gaming establishment at 122 E. Hillcrest Dr., which restricted advertising the sale or presence of alcohol or video gaming on signage. Mr. Muldowney stated he 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 that they had. He added they have a concern restricting the wall sign from advertising the word “slots” or something similar since many video gaming establishments have such wording in the name of their business.

Principal Planner Dan Olson went through the staff report dated November 1, 2019. He advised DeKalb-Harlem LLC is proposing to establish a video gaming establishment in an approximate 2,000 sq. ft. tenant space at 1704 Sycamore Road in a commercial building called the DeKalb Shopping Center. He noted 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. He advised 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. He added 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.

Mr. Olson noted 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 permit. He stated one of the additional requirements approved in March 2017 was a video gaming establishment must be at least 500 ft away from another establishment. He pointed out that Charley’s Video Gaming, located at 1792 Sycamore Road, is approximately 465 feet away from the proposed Lacey’s Place. He noted reducing the 500 ft separation requirement for video gaming establishments is not a variance that can be requested, so the applicant is requesting to rezone the site to accommodate the business.

Mr. Olson noted 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. He advised one of the conditions of the Council’s approval was the granting of the appropriate zoning for the video gaming establishment.
Mr. Olson noted the hours allowed for a video gaming establishment per the Municipal Code are 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. Mr. Olson stated 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. He added, upon further research, the City Attorney has noted per State law the operational hours for a video gaming establishment and the hours allowed for sale of alcohol must coincide.

Mr. Olson advised a concern with video gaming establishments is safety and security. He noted this past summer the Police Department reviewed the data regarding calls for service for the seven existing video gaming establishments in the City. He stated 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.

Mr. Olson advised two citizen response forms were received. Cynthia Dolder of 1407 E. Dresser Road indicated her support for the proposal. Susan Aamodt of 1730 Sunrise Dr. mentioned she does not support the proposal.

Mr. Olson explained the proposed video gaming establishment will take up a vacant tenant space along Sycamore Road and will add to the economic development along the corridor. He advised additional sales tax and video gaming revenue will be generated for the City with the proposed use.

Chair Doe then invited attendees in the audience to speak. There were none, and the public hearing was closed.

Mr. Becker inquired what benefit would it be to have another video gaming establishment within the City, as well as it being so close to another establishment. He also inquired how many video gaming machines would be present in the establishment. Mr. Muldowney advised it attracts a different demographic being a stand-alone establishment rather than having video gaming within a bar, restaurant, or bowling alley. He also noted there will only be five video gaming machines, as restricted by State law. Mr. Olson advised recent changes to state restrictions now allow for 6 video gaming machines. He also noted the number of video gaming establishment allowed in the City is
more of a determination of the City Council and the Commission’s focus should be on the proposed location of the establishment.

Mr. Maxwell moved, based upon the submitted petition and testimony presented, 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 of the staff report. Motion was seconded by Mr. Klein.

A roll call vote was taken. Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Mr. Becker – yes, Chair Doe – no. Motion passed 4-1-0. Mr. Wright and Ms. Buckley were absent.

F. REPORTS

Mr. Olson noted the next scheduled meeting on November 20th will likely be canceled. He added the next Commission meeting after that would be December 4th which will include a public hearing for a special use permit for a 10 foot tall cell antennae to be located on the building at 100 W. Lincoln Highway (Walgreens). He stated there will also be a request by Charles McCormick for a resubdivision of three lot to two lots in the South Pointe Greens Unit Two Subdivision located along Pebble Beach Ct.

Mr. Olson also noted the City Council approved the Chicago West Business Center amendments on October 28th as well as the first reading of the amendments to the UDO regarding cannabis dispensaries. He also mentioned the request for a medical cannabis dispensary at 700 Peace Road would be reviewed by the City Council on November 25th.

G. ADJOURNMENT

Mr. Maxwell motioned to adjourned, Mr. Castro seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission adjourned at 7:44PM.