

**APPROVING A SPECIAL USE PERMIT FOR A VEHICLE TOW FACILITY AND STORAGE YARD AT 407 INDUSTRIAL DRIVE, DEKALB, ILLINOIS (J&S TOWING AND RECOVERY).**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

**WHEREAS**, J&S Towing and Recovery (the "Petitioner"), the lessee of the property located at 407 Industrial Drive, DeKalb, Illinois (the "Property"), petitioned the City to approve a special use permit for a vehicle tow facility and storage yard on the Property (the "Petition"); and

**WHEREAS**, on June 21, 2022, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Petition and the PZC recommended approving the Petition; and

**WHEREAS**, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and recommendations, find that approving a special use permit for the Property is in the public interest for the promotion of the public health, safety and welfare, and specifically find that the proposed special use permit conforms with the applicable standards as follows:

**STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UNIFIED DEVELOPMENT ORDINANCE ("UDO")**

- 1. The proposed special use complies with all provisions of the applicable district regulations.**

The proposed special use will comply with all regulations of the "HI" Heavy Industrial District and the UDO, except the height of the pre-existing fence along the north property line is two feet less than the minimum 10 feet. However, the existing fence along the north property line is expected to provide adequately screening for the proposed use. Petitioner will be required to stripe the parking area in front of the building in compliance with the UDO, the City's Municipal Code, and the Illinois Accessibility Code, prior to a final occupancy permit being issued for the special use.

- 2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.**

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned "HI" Heavy Industrial for decades. The building and storage yard where the proposed special use will locate has existed for several decades. There are vehicle related uses and other commercial/industrial uses along Industrial Dr. that include storage yards. A 10-foot sight-proof high fence, as required by the UDO, will surround the outdoor storage yard, except for the north side which has an existing 8-foot-high sight-proof fence. There is one single-family home directly west of the site and zoned MC, Manufacturing Conservation in DeKalb County.

- 3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect**

**to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.**

The granting of the special use will not dominate the immediate area and will not prevent development on the neighboring properties. The surrounding area is already developed with a variety of industrial uses, including a vehicle tow yard and other uses with outside storage of materials and vehicles. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood.

**4. Adequate utility, drainage and other such necessary facilities have been or will be provided.**

Adequate public services are already provided to the subject site. The existing paved parking area will be striped including the addition of a handicap space. A 10-foot-high sight-proof fence will be added around the majority of the vehicle storage area.

**5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.**

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The vehicle tow facility will only consist of an outside storage area and will not occupy any space in the building. The site will function as an auxiliary impound yard to handle overflow vehicles from their current site at 110 Industrial Dr. The parking lot will be striped and appropriate signage added meeting the requirements of the UDO, Municipal Code, and Illinois Accessibility Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities approve a special use permit for a vehicle tow facility and storage yard on the Property legally described as follows:

**LOT 9 ON THE PLAT OF FIRST ADDITION TO LINCOLN INDUSTRIAL PARK, A SUBDIVISION ON PART OF THE SOUTHWEST QUARTER OF SECTION 24, & PART OF THE NORTHWEST QUARTER OF SECTION 25, T. 40 N., R. 4 E., OF THE 3<sup>RD</sup> P.M. IN THE CITY OF DEKALB, DEKALB CO. ILLINOIS RECORDED AS DOCUMENT NO. 387022**

The property is commonly known as 407 Industrial Drive, DeKalb, IL 60115, and has a Parcel Identification Number ("PIN") of 08-25-100-011.

**SECTION 3:** The special use approved in Section 2 of this Ordinance is subject to, and contingent upon, the following conditions: (1) Petitioner must stripe the required number of parking spaces in front of the building in compliance with the UDO, City Municipal Code, and the Illinois Accessibility Code, prior to a final occupancy permit being issued; (2) All activities related to the special use shall be within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater, except as may otherwise be provided by a variance or this Ordinance's exception for the pre-existing eight (8) foot fence along the north property line; (3) No stacking of vehicles; (4) No stacking of vehicle parts higher than 8 feet; (5) No storage of vehicles used in the operation of the business shall be parked outside the designated fenced area; (6) No crushing of vehicles at the facility; (7) Abandoned and salvaged vehicles, except for those vehicles under the control of an administrative agency or court of law, shall not be kept on the property for more than 90 days; and (8) An expansion of the storage yard may occur as long as it is surrounded by a 10-foot-high sight-proof fence, except the north property line which may contain an 8-foot-high sight-proof fence; provided, however, that any expansion of the storage yard must be to the west of the existing building on site, and if an expansion occurs within one (1) year of the approval of the special use permit, an amendment to the Ordinance approving the permit is not required.

**SECTION 4:** The City Manager and his designee are authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

**SECTION 5:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 6:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27<sup>th</sup> day of June 2022 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.



A handwritten signature in black ink, appearing to read "Cohen Barnes", is written over a horizontal line.

**COHEN BARNES, Mayor**

ATTEST:

A handwritten signature in black ink, appearing to read "Ruth A. Scott", is written over a horizontal line.

**Ruth A. Scott, Executive Assistant**



2022006282

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL

RECORDED: 7/1/2022 09:07 AM  
REC FEE: 55.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 4

**CERTIFICATION**

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

**ORDINANCE 2022-029**

**APPROVING A SPECIAL USE PERMIT FOR A VEHICLE TOW FACILITY  
AND STORAGE YARD AT 407 INDUSTRIAL DRIVE, DEKALB, ILLINOIS  
(J&S TOWING AND RECOVERY).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 27<sup>th</sup> day of June 2022.

**WITNESS** my hand and the official seal of said City this 30<sup>th</sup> day of June 2022.

**RUTH A. SCOTT**, Executive Assistant



**Prepared by and Return to:**

City of DeKalb  
City Manager's Office  
Attention: Ruth A. Scott  
164 E. Lincoln Highway  
DeKalb, Illinois 60115

**EXHIBIT A**

5-31-22



**8' Existing Fence**

**10' high sight-proof  
fence**

**100'**

**407**

**INDUSTRIAL DR**

**From:** [J&S Recovery and Towing](#)  
**To:** [Olson, Dan](#)  
**Subject:** Waive second reading  
**Date:** Wednesday, June 22, 2022 12:05:05 PM

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**[NOTICE: This message originated outside of the City Of DeKalb mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

*Dear City Council and Mayor Barnes,*

*Please accept this request for a waiver of second reading for approval of the special use permit for a vehicle tow facility and storage yard for 407 Industrial Dr. The special use permit was unanimously recommended for approval by the Planning and Zoning Commission on June 21, 2022.*

*Thanks,*

*Tom Guthrie*

**From:** [Brett J](#)  
**To:** [Olson, Dan](#)  
**Subject:** COMMENTS ON J&S APPLICATION 6/21/2022  
**Date:** Tuesday, June 21, 2022 1:51:41 PM

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**[NOTICE:** This message originated outside of the City Of DeKalb mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good evening board members I hope all is well. I have a few considerations that I feel need to be made on the application for a second special use permit for J&S Recovery and Towing. Approving the special use permit for the second location would violate the current city ordinance in chapter 35 in multiple paragraphs. There has to be security equipment on site, addresses of location where vehicles can be picked up at have to be on tow signs, and multiple other paragraphs. The lot that they currently use has already had multiple instances of people breaking in and stealing their cars back, let alone having a lot that is not even staffed 24/7. The city requires background checks on all tow drivers that operate for the city and have access to vehicles that are impounded. Sharing this lot with a roofing company begs the question as to if the employees of the roofing company will be background checked as well since they will have common access to these vehicles. My final statement would be that the special use permits approved previously had no exceptions to the 10 foot fence rule; a lot of money was invested into those impound lots that would be seen as setting a different standard than what is currently being proposed. We all want to thrive and be successful in our business endeavors but to hold other companies to different standards begs the questions of playing favorites and opens the city to vulnerability and calls of favoritism. These standards were put in place and followed for every other company and should be required to obtain a special use permit.

Sincerely,  
Brett M Jackson  
Tri-State Towing Inc.



164 East Lincoln Highway  
DeKalb, Illinois 60115  
815.748.2000 • cityofdekalb.com

**COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT  
June 16, 2022**

**TO:** DeKalb Planning and Zoning Commission  
**FROM:** Dan Olson, Planning Director  
**RE:** 407 Industrial Dr. - Special Use Permit and Variance for a vehicle tow facility and storage yard (J&S Towing and Recovery)

**I. GENERAL INFORMATION**

- A. Purpose Allow for a vehicle tow facility and storage yard
- B. Location/Size 407 Industrial Dr./1.4 acres
- C. Petitioner J&S Towing and Recovery
- D. Existing Zoning "HI" Heavy Industrial District
- E. Existing Land Use Industrial – Roofing Company
- F. Surrounding Zoning and Land Use North: "HI"; Industrial, Recycling Facility  
South: PD-I"; Vacant, Distribution & Warehouse  
East: "HI"; Industrial  
West: "MC", Manufacturing Conservation Dist. (Unincorporated DeKalb County); Single-Family Home and Vacant Property
- G. Comprehensive Plan Designation Light Industrial



## II. BACKGROUND AND ANALYSIS

The petitioner, J&S Towing and Recovery, is requesting approval of a special use permit for a vehicle tow facility and storage yard at 407 Industrial Dr. The site will function as an auxiliary impound yard to handle overflow vehicles from their current site at 110 Industrial Dr. That site received a special use permit in 2020. The applicant is also applying for a variance to permit an adjacent 8-foot-high sight-proof fence to serve as screening for a portion of the storage yard in lieu of the required 10-foot-high sight-proof fence.

The 1.4-acre site currently contains Pinkston-Tadd Roofing Services and has a large storage area at the rear of the property. J&S will initially fence in a 100' x 150' storage area at the far west end of the lot. There is a supply issue with the type of fence they want so the initial storage area will only take up a portion of the lot. The applicant would like to eventually have the ability to utilize the entire rear of the property for the storage of vehicles. The petitioner submitted a site layout showing the proposed vehicle storage area, which will be west of the existing building.

The UDO (Article 5.12.03) requires junkyards, salvage yards and vehicle wrecking yards have their activities within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater. The regulations also state no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level.

There is an existing 8-foot-high sight proof fence on the site to the north (Zimmerman Recycling) along the common lot line of the subject site and provides adequate screening. The site to the north is a recycling center with a large amount of materials stored outdoors. If the applicant would construct a 10-foot-high privacy fence along the north property line, it would not provide any additional screening for a use that has more outside storage.

The applicant will not be occupying a space in the existing building, only utilizing the outside storage area. A paved parking area is provided in front of the building. As part of the special use, the staff is recommending the required number of parking spaces be striped and a handicap space added with appropriate signage prior to final occupancy of the towing operation. The applicant will have to go through the licensing process for towing operations located in Chapter 35 "Towing" of the Municipal Code.

In 2009 the City approved a special use permit for Lovett's Towing at 1837 E. Lincoln Highway to allow for an expansion of the existing towing facility. In 2015, the City approved a special use permit for a vehicle tow and storage yard at 1888 State St. (Tri-State Towing). The special use permit for J&S Towing at 110 Industrial Dr. was approved in 2020. All three of these locations have similar conditions and include:

- No stacking of vehicles.
- No stacking of vehicle parts higher than 8 feet.
- No storage of vehicles used in the operation of the business parked outside the fenced area.



- No crushing of vehicles at the facility.
- Abandoned and salvaged vehicles, except for those vehicles under the control of the Court of Law, shall not be kept on the property for more than 90 days.

Staff would suggest these conditions be added with the special use request for this site. With special use permits the City can adopt conditions and we typically also look for improvements that can be made to bring the property into further compliance with the UDO. We are recommending the applicant stripe the existing parking area in compliance with the Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use. Staff is also recommending if the expansion of the storage yard occurs within one year of approval of the special use permit, an amendment to the Ordinance approving the permit is not required.

### **III. STANDARDS OF A SPECIAL USE**

#### **1. The proposed special use complies with all provisions of the applicable district regulations.**

The proposed special will comply with all regulations of the "HI" Heavy Industrial District and the Unified Development Ordinance (UDO), except the height of the fence along the north property line. The applicant will be required to stripe the parking area in front of the building in compliance with the Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

#### **2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.**

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned "HI" Heavy Industrial for decades. The building and storage yard where the proposed special use will locate has existed for several decades also. There are vehicle related uses and other commercial/industrial uses along Industrial Dr. that include storage yards. A 10-foot sight-proof high fence, as required by the UDO, will surround the outdoor storage yard, except for the north side which has an existing 8-foot-high sight-proof fence. There is one single-family home directly west of the site and zoned MC, Manufacturing Conservation in DeKalb County.

#### **3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.**

The granting of the special use will not dominate the immediate area and will not prevent



development on the neighboring properties. The surrounding area is already developed with a variety of industrial uses, including a vehicle tow yard and other uses with outside storage of materials and vehicles. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood.

**4. Adequate utility, drainage and other such necessary facilities have been or will be provided.**

Adequate public services are already provided to the subject site. The existing paved parking area will be striped including the addition of a handicap space. A 10-foot-high sight-proof fence will be added around the majority of the vehicle storage area.

**5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.**

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The vehicle tow facility will only consist of an outside storage area and will not occupy any space in the building. The site will function as an auxiliary impound yard to handle overflow vehicles from their current site at 110 Industrial Dr. The parking lot will be striped and appropriate signage added meeting the requirements of the UDO, Municipal Code, and Illinois Accessibility Code.

#### **IV. FINDINGS OF FACT FOR VARIATIONS**

The request has been reviewed using the criteria regarding variances stated in Article 18, Section 18.03.03 of the UDO, titled "Findings of Fact," as follows:

**1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of that district.**

An 8-foot-high solid fence exists along the common property line to the north, which provides adequate screening. The site to the north is a recycling center with a large amount of materials stored outdoors. If the applicant would construct a 10-foot-high privacy fence along the north property line, it would not provide any additional screening and would screen a use with more outside storage.

**2. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.**

The subdivision covering the site was platted in 1975. The 8-foot-high sight proof fence



to the north at 301 Industrial Dr. has been in place for several years and offers adequate screening between the two uses. The conditions requiring the variance request were not caused by the applicant.

**3. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.**

An 8-foot-high solid fence exists along the common property line to the north, which provides adequate screening. The site to the north is a recycling center with large amounts of materials stored outdoors. If the applicant would construct a 10-foot-high privacy fence along the north property line, it would not provide any additional screening and would screen a use with more outside storage.

**4. The denial of the proposed variance will deprive the applicant of the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.**

If the applicant would construct a 10-foot-high privacy fence along the north property line, it would not provide any additional screening and would screen a use with more outside storage. The surrounding area is already developed with a variety of industrial uses, including a vehicle tow yard and other uses with outside storage of materials and vehicles.

**5. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.**

The site has been zoned "HI" Heavy Industrial for decades and the building where the proposed special use will locate has existed for several decades also. There are vehicle related uses and other commercial/industrial uses along Industrial Dive that include storage yards. There is an 8-foot-high sight proof fence along common lot line to the north and offers adequate screening.

**6. The proposed variation will not impair an adequate supply of light and air to adjacent property; unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.**

The construction of the fence as proposed will not impair an adequate supply of light and air to adjacent properties. Furthermore, the proposed fence will not impair the public health and safety and will not have a negative impact on the surrounding neighborhood. A condition added to the approval of the variance states if the adjacent 8-foot-high sight-proof fence to the north is removed, the applicant shall construct an 8-foot-high sight-proof fence on the north property line of the subject site within 90 days of the removal of the fence.



## **V. CITIZEN RESPONSE/COMMENTS**

As of the posting of the agenda on June 16, we have not received any written comments.

## **VI. RECOMMENDATION**

Two separate motions are required since the special use is a recommendation and the variance is a decision by the Commission. Two sample motions are provided below for the Commission's consideration.

### Sample Motion – Special Use Permit:

Based upon the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a special use permit for a vehicle tow facility and storage yard located at 407 Industrial Dr. per the site plan dated 5-31-22 and labeled as Exhibit A and per the conditions listed in Exhibit B.

### Sample Motion – Variance:

Based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission approve a variance to Article 5.12.03 of the Unified Development Ordinance to allow an adjacent 8-foot-high sight-proof fence to serve as screening along the north property line of the storage yard in lieu of the required 10-foot-high sight-proof fence as shown on the site plan dated 5-31-22 labeled as Exhibit A and subject to the following condition:

1. If the adjacent 8-foot-high sight-proof fence to the north is removed, the applicant shall construct an 8-foot-high sight-proof fence on the north property line of the subject site within 90 days of the removal of the fence.



## Exhibit B

1. The applicant shall stripe the required number of parking spaces in front of the building in compliance with the Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.
2. All activities related to the special use shall be within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height (unless approved otherwise by a variance), or the height of the materials being screened, whichever is greater.
3. No stacking of vehicles.
4. No stacking of vehicle parts higher than 8 feet.
5. No storage of vehicles used in the operation of the business shall be parked outside the designated fenced area.
6. No crushing of vehicles at the facility.
7. Abandoned and salvaged vehicles, except for those vehicles under the control of the Court of Law, shall not be kept on the property for more than 90 days.
8. An expansion of the storage yard may occur as long as it is surrounded by a 10-foot-high sight-proof fence, except the north property line which may contain an 8-foot-high sight-proof fence. Any expansion of the storage yard must be to the west of the existing building on site. If an expansion occurs within one year of approval of the special use permit, an amendment to the Ordinance approving the permit is not required.











J & S Recovery and Towing, A Division of Caliber Towing, is seeking use of a portion of the parking area behind 407 Industrial Drive as an auxiliary impound area for vehicle parking. The property currently has an existing business, Pinkston Tadd Roofing. Their use will not change, and we will not be utilizing any exterior parking area which is located outside the fenced area. The area is currently zoned Heavy Industrial and has an existing 6" fence with approx. 1" barbed wire on the south and west side of the lot and an 8' fence on the north side of the lot. We propose replacing the fence on the west and south side of the property with a new 10' fence and will apply for a variance to retain the 8' fence on the north side of the lot. We would add sight proof screening to all the new fencing. The existing 8' fence on the north side has screening already installed. The property to the north is currently being used as a salvage yard.

This proposed use would not prevent development and use of the neighboring property which is currently a salvage operation. It would not impact adjacent existing and future land use, impact adjacent property values, or impact the general public's health, safety and welfare. The property currently conforms with all elements of the Unified Development Ordinance.

We would additionally ask that due to current shortages of 10' fencing materials you would approve the entire project special use and allow us to install a smaller area at the rear of the lot. The proposed lot would be 100'X150' with 10' fence with sight-proof material installed on the west and south sides. North side existing 8' fence with sight-proof material would remain. We would be submitting a variance request for the north end fence.

If you would approve a shorter fence to be installed we would be able to complete the entire project at once and the short term small lot would not be needed.

0 LIGHTING  
EXISTING

151'

PROPOSED  
10' FENCE

6' EXISTING  
W/ 1" BARB  
FENCE

100'

20'

6' FENCE W/  
1" BARB  
EXISTING

8' FENCE  
EXISTING

261'

GATE

19'

BUILDING

FENCE W/ GATE

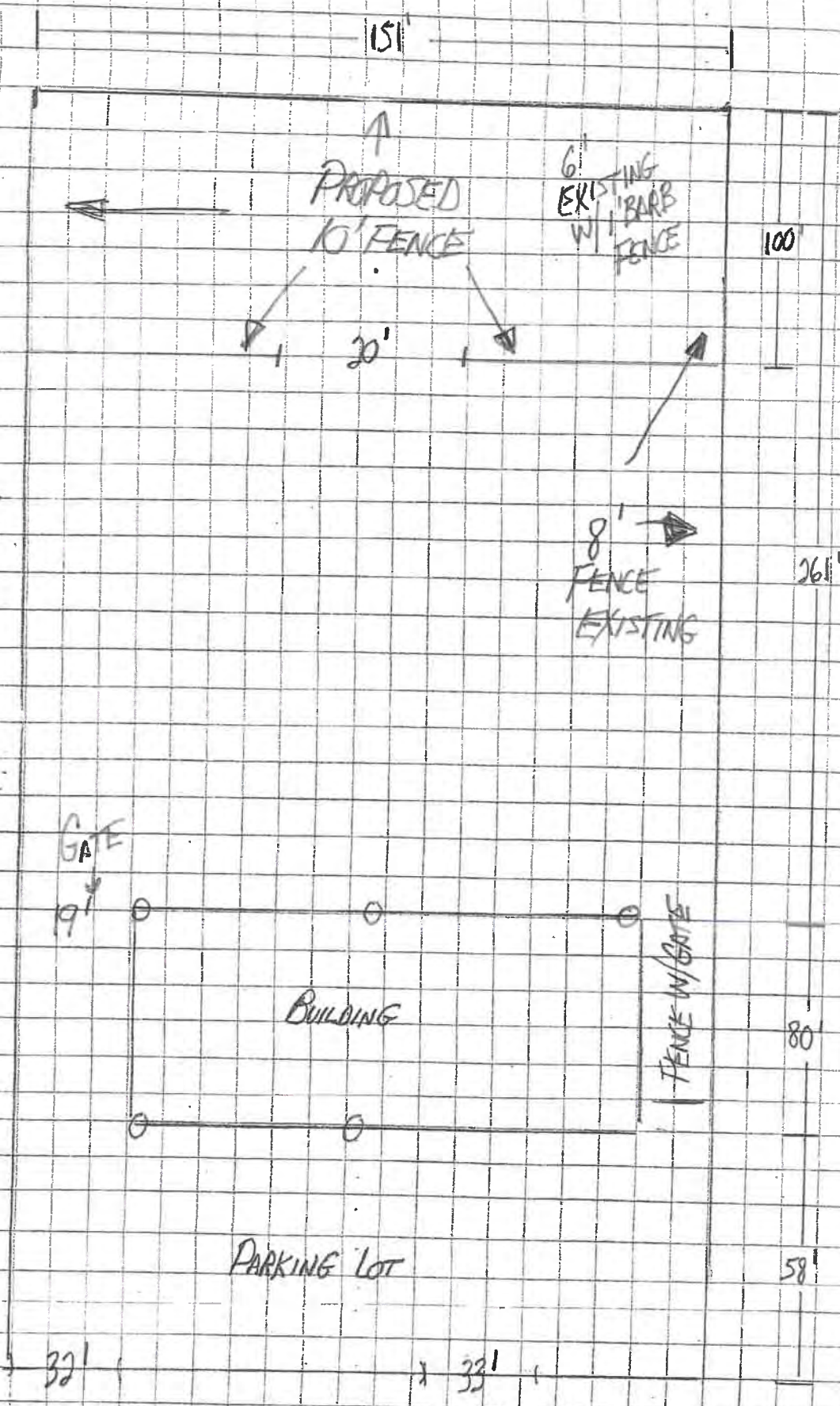
80'

PARKING LOT

58'

32'

33'



EXISTING LIGHTING

151'

6' FENCE  
W/ BARBED  
EXISTING

8' FENCE  
SIGHT PROOF  
EXISTING

26'

19' GATE

BUILDING

80'

PARKING LOT

59'

32'

33'



Silvercrest Ln

Zimmerman Recycling

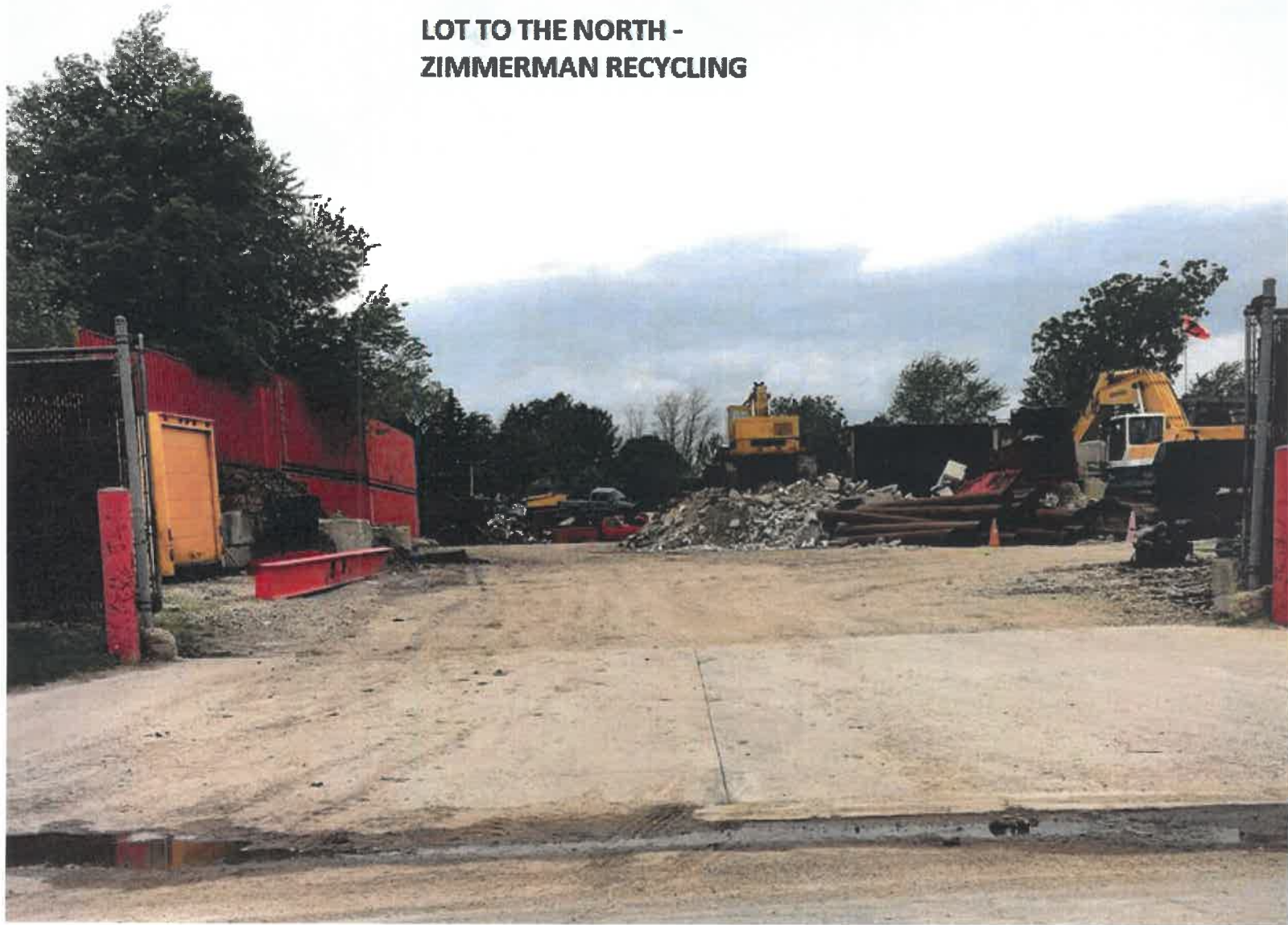
4/2019



407



**LOT TO THE NORTH -  
ZIMMERMAN RECYCLING**





**SPECIAL USE PERMIT PETITION**

**TO:** City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

**FROM:** Petitioner Name(s): J & S Recovery and Towing Phone: (815) 761-4151  
Petitioner's Representative: Tom Guthrie Email: jstsdispatch@gmail.com  
Mailing Address: \_\_\_\_\_  
110 Industrial Dr. DeKalb, IL 60115

Property Owner: Gary Tadd Phone: (815) 739-4358  
Mailing Address: \_\_\_\_\_ Email: garyt@proofs.com  
407 Industrial Dr. DeKalb, IL 60115

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

A. Legal Description and Parcel Number (s) – If necessary, attach the full legal description on a separate piece of paper:

Parcel #0825100011 Lincoln Industrial Park, 1st addition, Lot 9  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Street Address or Common Location: 407 Industrial Drive, DeKalb, IL 60115

C. Size of Property (square feet or acres): 151' x 261' (39,411)

D. Existing Zoning: Heavy Industrial

E. Proposed Special Use: Heavy Industrial (impound lot) Vehicle Tow Facility and Storage Yard

F. Proposed Use and Description: On a separate document, describe the proposed use's characteristics. Also, indicate whether or not the proposed use would: a) Prevent development and use of neighboring property; b) impact adjacent existing and future land uses; c) impact adjacent property values; d) impact the general public's health, safety, and welfare; and e) be in conformance with all elements of the "UDO," Unified Development Ordinance





2. The petitioner hereby submits the following information:

- Vicinity map of the area proposed for the special use
- Petition fee (\$500.00)
- 3 full size copies and an electronic copy on a disk of a site plan, which must show the following items (per the requirements of Article 14.03.03 of the UDO):
  - Property dimensions
  - Location and use of proposed structures
  - Number and location of parking spaces and loading area
  - Location and type of landscaping (including existing trees 6" in diameter or greater and existing tree masses
  - Location, type, and height of fencing or walls
  - Location and width of driveways and curb cuts; internal traffic patterns
  - Floor area (square footage)
  - Location of exterior lighting
  - Location, type, and height of signage
  - Direction of storm water flow, location of detention area

(Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans must eventually conform to other City standards prior to the issuance of any building permits or other permits.)

3. The petitioner hereby states that a pre-application conference  was  was not held with City staff prior to the submittal of this petition.

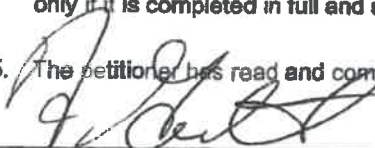
\*Date of pre-application conference: 4/21/22

Those in attendance: Dan Olson, Andrew Bjornson, Tom Guthrie

(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the above information and affirms that it is true and correct.

  
\_\_\_\_\_  
Petitioner Signature

5/31/22  
\_\_\_\_\_  
Date

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Special Use Permit petition as described above (petitioner must sign if they are the owner).

  
\_\_\_\_\_  
Property Owner Signature

05/31/2022  
\_\_\_\_\_  
Date



**VARIANCE REQUEST**

**TO:** Planning and Zoning Commission, City of DeKalb, Illinois

**FROM:** Petitioner Name(s) J & S Recovery and Towing

Phone (815) 761-4151

Mailing Address 110 Industrial Dr.

City DeKalb

State IL

ZIP 60115

Email jstdispatch@gmail.com

Property Owner Name(s) Gary Tadd

Phone (815) 739-4358

Mailing Address 407 Industrial Drive

City DeKalb

State IL

ZIP 60115

Email garyt@ptroofs.com

1. The petitioner hereby petitions the Planning and Zoning Commission to approve a Variance Request for the following property

A. Common Address of Property 407 Industrial Drive, DeKalb, IL 60115

B. Parcel Identification Number (PIN) 0825100011

C. Legal Description – attach additional page(s) if necessary

Parcel #0825100011 Lincoln Industrial Park, 1st addition, Lot 9

2. Current Zoning District Heavy Industrial

Current Use Heavy Industrial

3. From what portion of the Unified Development Ordinance are you requesting a variance?

Article 5

Section 12

Paragraph 03



4. The petitioner hereby submits the following:
- Variance Fee (\$500.00)
  - Plat of Survey of the property showing lot lines, location of existing buildings, structures, and other improvements, and a scale drawing of the proposed addition(s) or change(s) requiring the variance
  - Documentation attached on additional page(s) that supplies the following:
    - A. Explain the nature of the variance requested and attach a scale drawing of the survey of the property showing lot lines, location of existing buildings, structures and other improvements, and showing the proposed addition or change requiring the variance.
    - B. Describe in detail how the strict application of the terms of the ordinance relating to the request for a variance imposes practical difficulties or particular hardship while not serving merely as a convenience to the petitioner.
    - C. Demonstrate the request for a variance will be in harmony with the general purpose and intent of the ordinance by clarifying the request will NOT:
      - 1) Impair an adequate supply of light and air to adjacent property,
      - 2) Unreasonably increase congestion upon public streets,
      - 3) Increase the danger of fire or endanger public safety,
      - 4) Unreasonably diminish or impair established property values within the surrounding area,
      - 5) In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.
    - D. Demonstrate that denial of the request for a variance will:
      - 1) Prevent the property in question from yielding a reasonable return if only permitted to be used under the conditions allowed by ordinance,
      - 2) Prove the exceptional conditions were not caused by the applicant,
      - 3) Prove the proposed variance will deprive the applicant the use of the property in a manner equivalent to the use permitted to be made by owners of property in the area,
      - 4) Result in a structure that is appropriate to and compatible with the character and scale of structures in the area.

\*The petitioner hereby states that a pre-application conference ( was /  was not) held with City staff prior to the submittal of this petition

Date of meeting 4/21/22

Those in attendance \_\_\_\_\_

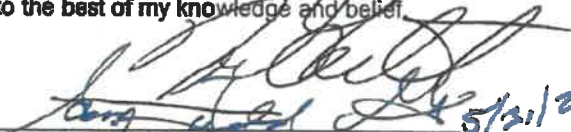
Dan Olson, Andrew Bjornson, Tom Guthrie

**\*Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.**



- 5. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.
- 6. The petitioner hereby agrees to abide by the requirements set forth in the Planning and Zoning Commission's Public Hearing Procedures.

I hereby swear that all statements contained herein, and any plans and papers submitted herewith, are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
Petitioner Signature

5/31/2022

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Property Owner Signature

5/31/22  
\_\_\_\_\_  
Date

## LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Tuesday, June 21, 2022, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by J&S Recovery and Towing for a special use permit for a vehicle tow facility and storage yard located at 407 Industrial Dr. The applicant is also applying for a variance to permit an adjacent 8-foot-high sight-proof fence to serve as screening for a portion of the storage yard in lieu of the required 10-foot-high sight-proof fence as required in Article 5.12.03 of the Unified Development Ordinance. The subject site has a Parcel Identification Number (PIN) of 08-25-100-011 and is zoned "HI" Heavy Industrial.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Tuesday, June 21, 2022, or by e-mail to [dan.olson@cityofdekalb.com](mailto:dan.olson@cityofdekalb.com). Further information regarding the petition is available from the Community Development Department at (815) 748-2361 or on the City of DeKalb's web page at <https://www.cityofdekalb.com/1103/Public-Hearings>.

Max Maxwell, Chair

DeKalb Planning and Zoning Commission