ORDINANCE 2017-013       PASSED: MARCH 13, 2017

AMENDING A SPECIAL USE PERMIT FOR THE PURPOSE
OF REMOVING THE CONDITIONS REQUIRING THE
REMOVAL OF AN EXISTING MONUMENT SIGN UPON
ACTIVATION OF A DIGITAL SIGN ON THE SOUTH SIDE
OF THE DRIVEWAY ENTRANCE OF THE PROPERTY
LOCATED AT 1890 SYCAMORE ROAD (BLUE MARLIN
IMPORTS, INC. – BRIAN BEMIS TOYOTA).

WHEREAS, Blue Marlin Imports, doing business as Bemis Toyota (herein referred to as
“Owner”) of the property commonly known as 1890 Sycamore Road, DeKalb, Illinois
(herein referred to as “Subject Property”), has petitioned the City of DeKalb for approval
of an amendment to the special use permit to remove the conditions requiring the existing
monument sign on the south side of the driveway entrance of the Subject Property be
removed upon activation of the digital sign approved in Ordinance 2016-033; and

WHEREAS, the Subject Property is located in a “GC” General Commercial Zoning District
within the City of DeKalb (the “City”); and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the
Planning and Zoning Commission on February 22, 2017; and

WHEREAS, on February 22, 2017, the Planning and Zoning Commission reviewed the
evidence presented and forwarded its recommendation of approval for the petition to
amend the special use permit approved via Ordinance 2016-033 to remove the condition
requiring the existing monument sign to be removed upon activation of the digital sign
and including reaffirming the following findings of fact with respect to the application:

A. Except as authorized by a previously approved site plan, and as requested as part of
this special use request, the proposed special use complies with all provisions of the
GC zoning District.

B. The granting of the special use for the business will have no detrimental impact on the
value of other property in the neighborhood given that the use has been in operation
successfully over the years, and is in fact currently expanding. The addition of the
digital sign is consistent in size and will be regulated with conditions to ensure that
there will be no detrimental impact on surrounding properties.

C. The granting of the special use for this business will not dominate the neighborhood.
Although the digital sign may make the sign more visible or noticeable, it is small in
height when compared to the existing sign. Additionally, operational conditions that
regulate lighting intensity, dwell time, transitions and similar restrictions are being
imposed as conditions of the approval of the special use in order to minimize
distractions to motorists and alleviate any possible negative impacts the digital sign
may have. Conditions requiring adequate landscaping surrounding the base of the
sign prior to the permit being issued for the sign are also being required so that the sign will blend in with similar monument signs in the neighborhood.

D. The site is already provided with adequate utilities, drainage and other public services.

E. The use of a car dealership along this commercial corridor is consistent with good planning practice, will not be detrimental to the public health safety or welfare, and will not negatively impact the value of surrounding properties. The use has existed harmoniously with surrounding businesses in the corridor for several years. The proposed monument sign that incorporates digital technology is consistent in size with surrounding commercial businesses, and will include operational conditions that are intended to minimize distractions to motorists; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, adopts the findings made by the Planning and Zoning Commission, and now determines that it would be in the best interest of the City of DeKalb to grant said amendment, subject to the terms and conditions established by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

Section 2. This Ordinance is limited and restricted to the Subject Property legally described as follows:

THAT PART OF LOTS 4, 5, 6, 7, 8 AND 9 OF VALOS SUBDIVISION, AS RECORDED IN BOOK "J" OF PLATS, PAGE 10 IN THE DEKALB COUNTY RECORDER'S OFFICE, AND ALSO THAT PART OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 11 OF THE FIRST ADDITION TO VALOS SUBDIVISION, AS RECORDED IN BOOK "M" OF PLATS, PAGE 100 IN THE DEKALB COUNTY RECORDER'S OFFICE; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 11, 382.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 11; THENCE NORTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11, 200.00 FEET TO THE MOST EASTERN CORNER OF SAID LOT 11; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG A SOUTHEASTERLY EXTENSION OF THE EASTERN LINE OF SAID FIRST ADDITION TO VALOS SUBDIVISION, 272.10 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 475.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE OF THE LAST DESCRIBED COURSE, 654.10 FEET TO THE NORTHERLY LINE OF LOT 5 OF VALOS SUBDIVISION, SAID POINT BEING A POINT IN THE CENTERLINE OF SBI ROUTE 23 (SYCAMORE ROAD);
THENCE NORTHEASTERLY AT RIGHT ANGLE FROM THE LAST DESCRIBED COURSE, ALONG THE NORTHERLY LINE OF VALOS SUBDIVISION AND THE CENTERLINE OF SBI ROUTE 23, 275.00 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB TOWNSHIP, DEKALB COUNTY, ILLINOIS.

Pin: 08-13-151-028

And commonly known as 1890 Sycamore Road, DeKalb, Illinois.

Section 3: Section 5 of Ordinance 2016-033 is hereby amended by deleting item E.

E.—The existing monument sign located on the south side of driveway entrance must be removed no later than seven (7) days after the digital sign has been activated.

Section 4: All other provisions of Ordinance 2016-033 shall remain in full force and effect.

Section 5. That all provisions of the Unified Development Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13th day of March, 2017, and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: None. Absent: Jacobson. Waiver of Second Reading passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:

[Signature]
JENNIFER JEEP JOHNSON, City Clerk

[Signature]
JOHN A. REY, Mayor
01/19/17

Jo Ellen Charlton
City of Dekalb
Joellen.Charlton@CITYOFDEKALB.com

Subject: Monument Sign Amendments

Mrs. Charlton,

Please accept this letter as our request for modification of the previous decision by the Planning and Zoning Commission and approval.

We are requesting approval for both the Toyota brand sign and the Brian Bemis Toyota monument digital sign, adjacent to each other at Brian Bemis Toyota location, 1890 Sycamore Rd, Dekalb, IL 60115.

The Toyota Brand sign is a requirement by the Toyota franchise, in addition we would like the digital sign, as previously agreed upon, to help promote within the community. We confirm and agree to all the conditions of the previous ordinance that was sent to us.

We are advised that until this new request is made and finally acted upon by the City Council after public hearing by the Planning and Zoning Commission, any work that we do to move forward with the digital sign will be completely at our risk. We are aware that if we install the new digital sign and the City Council does not approve our request, we will have no choice but to remove a sign.

Thank you in advance for your assistance with this project.

Sincerely,

Amy Bemis
Vice President
Brian Bemis Toyota
abemis@brianbemis.com
February 3, 2017

Dear Property Owner:

The DeKalb Planning and Zoning Commission will consider a request on a petition by Amy Bemis and Property Owner Renee Bemis for an amendment to the Special Use Permit approved via Ordinance 2016-033 to remove the conditions requiring the existing monument sign on the south side of the driveway entrance of the property located at 1890 Sycamore Road be removed upon activation of the digital sign approved in the Ordinance.

The DeKalb Planning and Zoning Commission will review these requests and hold a public hearing at its special meeting on Wednesday, February 22, 2017 at 6:00 p.m. The meeting will be at the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. As a property owner within 250 feet of the above-mentioned property, you are encouraged to attend this meeting to learn about and comment on the proposal.

You are also welcome to submit any written comments you may have on the proposal no later than Wednesday, February 15, 2017. You may submit written comments regarding the request on the enclosed comment sheet by mail to the address listed above, or by e-mail to dan.olson@cityofdekalb.com. All comments will be shared with the Commission and included in the public record.

If you have any questions about this request, please feel free to contact the Community Development Department at (815) 748-2060.

Sincerely,

Dan Olson
Interim Principal Planner

Enclosures

CC:  Mayor
     City Council
     City Manager
     Planning and Zoning Commission
     Applicant
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its special meeting on Wednesday, February 22, 2017 at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on a proposal by Amy Bemis and Property Owner Renee Bemis for an amendment to the Special Use Permit approved via Ordinance 2016-033 to remove the conditions requiring the existing monument sign on the south side of the driveway entrance of the property located at 1890 Sycamore Road be removed upon activation of the digital sign approved in the Ordinance.

The property is legally described as:

THAT PART OF LOTS 4, 5, 6, 7, 8 AND 9 OF VALOS SUBDIVISION, AS RECORDED IN BOOK "J" OF PLATS, PAGE 10 IN THE DEKALB COUNTY RECORDER'S OFFICE, AND ALSO THAT PART OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 11 OF THE FIRST ADDITION TO VALOS SUBDIVISION, AS RECORDED IN BOOK "M" OF PLATS, PAGE 100 IN THE DEKALB COUNTY RECORDER'S OFFICE; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 11, 382.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 11; THENCE NORTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11, 200.00 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG A SOUTHEASTERLY EXTENSION OF THE EASTERLY LINE OF SAID FIRST ADDITION TO VALOS SUBDIVISION, 272.10 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 475.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE OF THE LAST DESCRIBED COURSE, 654.10 FEET TO THE NORTHERLY LINE OF LOT 5 OF VALOS SUBDIVISION, SAID POINT BEING A POINT IN THE CENTERLINE OF SBI ROUTE 23 (SYCAMORE ROAD); THENCE NORTHEASTERLY AT RIGHT ANGLE FROM THE LAST DESCRIBED COURSE, ALONG THE NORTHERLY LINE OF VALOS SUBDIVISION AND THE CENTERLINE OF SBI ROUTE 23, 275.00 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB TOWNSHIP, DEKALB COUNTY, ILLINOIS.

The property is commonly known as 1890 Sycamore Road, DeKalb, IL 60115 and has a Parcel Identification Number (PIN) of 08-13-151-028.

All interested persons are encouraged to submit written comments on this proposal to the City of DeKalb by 5:00 p.m. on Wednesday, February 15, 2017 and are invited to appear and be heard at the time and place listed above.

Further information is available from the Community Development Department, 815-748-2060.

Christina Atherton, Chair
DeKalb Planning and Zoning Commission
City of DeKalb
1890 Sycamore Road – Amendment to Special Use Permit
Citizen Response Form

Owners Name: KISHWAUKEE COUNTRY CL

Property Address: 1901 SYCAMORE RD

Basic Input:

☑ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
Owners Name: STEPHEN P IRVING

Property Address: 1836 - 1860 SYCAMORE RD

Basic Input:

☒ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:

Becoming looks terrific, lets do the same with the sign.
Owners Name: R.P. Lumber Co., Inc

Property Address: 1926 Sycamore Road

Basic Input:

☒ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:

_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________
Staff Report  
February 17, 2017

TO: Planning and Zoning Commission Members
FROM: Jo Ellen Charlton, Community Development Director  
       Dan Olson, Principal Planner

SUBJECT: Amendment to the Special Use Permit approved via Ordinance 2016-033  
to remove the conditions requiring the existing monument sign on the south  
side of the driveway entrance be removed upon activation of the digital sign  
approved in the Ordinance (Brian Bemis Toyota - 1890 Sycamore Road)

GENERAL INFORMATION:

A. Purpose:  
   Amendment to the Special Use Permit to remove the conditions requiring the  
   existing monument sign on the south side of the driveway entrance be removed  
   upon activation of proposed digital sign

B. Applicant/Owner  
   Amy Bemis/Renee Bemis

C. Location:  
   1890 Sycamore Road

D. Property Size:  
   Approximately 5.38 acres

E. Existing Zoning:  
   “GC” General Commercial

F. Existing/Proposed Land Use:  
   Car Dealership

G. Surrounding Zoning and Land Use:  
   North: “GC”; Restaurant  
   South: “GC”; Retail/Auto Service  
   East: “LI”; Lumber  
   West: “Unincorporated”; Golf Course

H. Comprehensive Plan Designation:  
   Commercial
On October 24, 2016 the City Council passed an Ordinance (No. 2016-033) that authorized a special use permit for Brian Bemis Toyota at 1890 Sycamore Road to allow automobile sales on property greater than three acres that derives a majority of their sales from new vehicles. A copy of the Ordinance 2016-033 is attached. In addition, approval was granted to allow a 10 foot high 50 sq. ft. monument sign that included digital technology. As a condition of approval of the special use permit, the existing monument sign located on the south side of the driveway entrance to Sycamore Road is to be removed no later than seven (7) days after the digital sign has been activated (see image below). In addition, a condition was included in the Ordinance that no other freestanding or monument signs are authorized on the subject property.

![Image of Toyota dealership](image)

The applicant, Amy Bemis, has submitted a letter (dated January 19, 2017) to the City requesting to amend the Ordinance granting the special use permit to remove the condition that the existing monument sign along Sycamore Road be removed upon the activation of the digital sign. The letter indicates the Toyota brand sign is a requirement of the Toyota franchise and that they would like to keep the digital sign to help promote the business and community. The applicant was advised they would need to amend the original Ordinance that approved the special use permit and that any work on constructing the digital sign, prior to the final decision by the City Council, would be done completely at their own risk.

**Sample Motion:**

If the Commission desires to recommend approval, the following motion is suggested:

Based upon the submitted letter dated January 19, 2017 from the petitioner and testimony presented, I move that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of an amendment to the special use permit approved via Ordinance 2016-033 to remove the conditions requiring
the existing monument sign on the south side of the driveway entrance of the property located at 1890 Sycamore Road be removed upon activation of the digital sign. The findings of fact are listed in the Ordinance approving the special use permit and do not refer to the existing monument sign specifically. The staff report dated September 23, 2016 is also included in the packet.

Three Citizen Response Forms were submitted all indicating their support for the proposal and are made part of the record.
February 27, 2017

To Honorable John Rey
Mayor, City of DeKalb & City Council
200 South 4th Street
DeKalb, IL 60115

RE: Request to waive 2nd reading of Ordinance

Dear Mayor Rey & DeKalb City Council:

Following the unanimous support from the City of DeKalb Panning & Zoning Commission concerning the amendment of Special Use Permit (no. 2016-033), Blue Marlin Imports, Inc., respectfully requests the City Council waive the second reading requirement to accept the amendment upon the first reading allowing for the placement of a digital sigh.

We appreciate your consideration with this request. Should you have any questions or comments related to the request please do not hesitate to contact me.

Sincerely,

Amy Bemis
Blue Marlin Imports, Inc.
Brian Bemis Toyota
ORDINANCE 2016-033       PASSED: OCTOBER 24, 2016

AUTHORIZING A SPECIAL USE PERMIT FOR AN EXISTING CAR DEALERSHIP LOCATED AT 1890 SYCAMORE ROAD PURSUANT TO ARTICLE 5.08.03.4 OF THE UNIFIED DEVELOPMENT ORDINANCE AND AUTHORIZATION PURSUANT TO ARTICLE 13.02.06 FOR A MONUMENT SIGN THAT INCLUDES MINOR CODE EXCEPTIONS.

WHEREAS, Blue Marlin Imports, doing business as Bemis Toyota (herein referred to as “Owner”) of the property commonly known as 1890 Sycamore Road, DeKalb, Illinois (herein referred to as “Subject Property”), has petitioned the City of DeKalb for approval of a special use for automobile sales on property greater than three (3) acres that derive a majority of annual sales from new vehicles pursuant to section 5.08.03.4 of the City of DeKalb Unified Development Ordinance (UDO); and

WHEREAS, pursuant to 13.02.06 of the UDO, the Owner of the Subject Property also petitioned the City of DeKalb to allow a monument sign that includes digital technology and other minor exceptions to the sign regulations outlined in Article 13 of the UDO; and

WHEREAS, the Subject Property is located in a GC Zoning District within the City of DeKalb (the “City”); and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on September 28, 2016; and

WHEREAS, on September 28, 2016, the Planning and Zoning Commission reviewed the evidence presented and forwarded its recommendation of approval for the petition described herein to the City Council (attached hereto as Exhibit 1), including the following findings of fact with respect to the application:

A. Except as authorized by a previously approved site plan, and as requested as part of this special use request, the proposed special use complies with all provisions of the GC zoning District.

B. The granting of the special use for the business will have no detrimental impact on the value of other property in the neighborhood given that the use has been in operation successfully over the years, and is in fact currently expanding. The addition of the digital sign is consistent in size and will be regulated with conditions to ensure that there will be no detrimental impact on surrounding properties.

C. The granting of the special use for this business will not dominate the neighborhood. Although the sign may make the sign more visible or noticeable, it is small in height when compared to the existing sign. Additionally, operational conditions that regulate lighting intensity, dwell time, transitions and similar
restrictions are being imposed as conditions of the approval of the special use in order to minimize distractions to motorists and alleviate any possible negative impacts the digital sign may have. Conditions requiring adequate landscaping surrounding the base of the sign prior to the permit being issue for the sign are also being required so that the sign will blend in with similar monument signs in the neighborhood.

D. The site is already provided with adequate utilities, drainage and other public services.

E. The use of a car dealership along this commercial corridor is consistent with good planning practice, will not be detrimental to the public health safety or welfare, and will not negatively impact the value of surrounding properties. The use has existed harmoniously with surrounding businesses in the corridor for several years. The proposed monument sign that incorporates digital technology is consistent in size with surrounding commercial businesses, and will include operational conditions that are intended to minimize distractions to motorists; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, adopts the findings made by the Planning and Zoning Commission, and now determines that it would be in the best interest of the City of DeKalb to grant said approvals, subject to the terms and conditions established by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

Section 2. This Ordinance is limited and restricted to the Subject Property legally described as follows:

THAT PART OF LOTS 4, 5, 6, 7, 8 AND 9 OF VALOS SUBDIVISION, AS RECORDED IN BOOK "J" OF PLATS, PAGE 10 IN THE DEKALB COUNTY RECORDER'S OFFICE, AND ALSO THAT PART OF THE NORTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 11 OF THE FIRST ADDITION TO VALOS SUBDIVISION, AS RECORDED IN BOOK "M" OF PLATS, PAGE 100 IN THE DEKALB COUNTY RECORDER'S OFFICE; THENCE SOUTHEASTERLY, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 11, 382.00 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 11; THENCE NORTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 11, 200.00 FEET TO THE MOST EASTERLY CORNER OF SAID LOT 11; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG A SOUTHEASTERLY EXTENSION OF THE EASTERLY LINE OF
Said first addition to Valos Subdivision, 272.10 feet; thence southwesterly, at right angle to the last described course, 475.00 feet; thence northwesterly, at right angle of the last described course, 654.10 feet to the northerly line of lot 5 of Valos Subdivision, said point being a point in the centerline of SBI Route 23 (Sycamore Road); thence northeasterly at right angle from the last described course, along the northerly line of Valos Subdivision and the centerline of SBI Route 23, 275.00 feet to the point of beginning, all in Dekalb Township, Dekalb County, Illinois. PIN: 08-13-151-028, and commonly known as 1890 Sycamore Road, Dekalb, Illinois.

Section 3: Pursuant to 5.08.03.4 of the UDO, a special use is hereby granted for the Subject Property to authorize automobile sales on property greater than three (3) acres that derive a majority of annual sales from new vehicles.

Section 4: Pursuant to 13.02.06 of the UDO, a monument sign including digital technology is hereby authorized in substantial compliance with the sign plan details prepared by Omega Sign and Lighting, latest revision dated August 31, 2016, attached hereto as Exhibit 2, pursuant to the conditions outlined in Section 5 infra.

Section 5: The approvals in Section 3 and 4 herein are granted subject to the following conditions:

A. The special use shall at all times be in substantial compliance with the site plan attached hereto as Exhibit 3.

B. The parking of any vehicles on grass is prohibited, except that Owner shall submit plans for review and approval, and shall construct an improvement no later than June 30, 2017 that includes permeable pavers, grasscrete, or similar surface(s) upon which to park any vehicles that are displayed along the front property line, which plans shall be required to be acceptable to the Community Development Director with the recommendation of the City Engineer.

C. The parking of any vehicles on grass is prohibited, except that Owner shall submit plans for review and approval, and shall construct an improvement no later than June 30, 2017 that includes permeable pavers, grasscrete, or similar surface(s) upon which to park any vehicles that are displayed along the front property line.

D. A sign permit shall be obtained pursuant to City Ordinances.

E. The existing monument sign located on the south side of driveway entrance must be removed no later than seven (7) days after the digital sign has been activated.

F. No other free standing or monument signs are authorized on the Subject Property.
G. The digital sign shall be in substantial compliance with the plans prepared by Omega Sign and Lighting Inc. latest revision dated 8/31/16 and attached hereto as Exhibit 2.

H. Prior to the issuance of a permit for the digital sign, a landscape plan providing continuous screening of the base of the sign with deciduous and evergreen shrubs and perennials at a height not less than 24" shall be submitted to and approved by the Director of Community Development.

I. No portion of the sign structure may be closer than 18" from the front property line and in no instance under the existing overhead power lines.

J. The digital sign shall conform to the following operational limitations at all times, unless as otherwise may be formally amended in the Unified Development Ordinance pursuant to Section 20.03 at a future date:

a. Digital displays shall be static in nature, and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.

b. Each message on the sign must be displayed for a minimum of 20 seconds or such longer time as may be hereafter enacted by the City in the UDO.

c. The change between static messages must be accomplished immediately, with no use of any transitions.

d. The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.

e. The sign shall not contain any "off-site" advertising, except for the dissemination of bona fide emergency public messages issued by a unit of government.

f. The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.

Section 6. The sign authorized herein must be removed when the use on the Subject Property is no longer used for an automobile sales use on property greater than three (3) acres that derives a majority of annual sales from new vehicles or after the Subject Property remains vacant more than 180 days.

Section 7. That all provisions of the Unified Development Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting
thereof held on the 24th day of October, 2016, and approved by me as Mayor on the same day. First Reading October 10, 2016. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre.

ATTEST:

[Signatures]

JENNIFER JEEP JOHNSON, City Clerk

JOHN A. REY, Mayor
Exhibit 1
Recommendation Letter

October 5, 2016

TO: Mayor John Rey and City Council

FROM: Christina Atherton, Chair, City of DeKalb Planning and Zoning Commission

RE: Recommendation, including findings of fact, regarding PZC 15-2016

The Planning and Zoning Commission conducted a public hearing and considered the facts relative to Case Number PZC 15-2016. At that hearing, the following members were in attendance: Chair Atherton, Castro, Crull, and Wright.

The following motion was unanimously approved by a 4-0-0 roll call vote of the members present:

Based on the submitted petition and testimony presented, I make a motion that the Planning and Zoning Commission adopt the findings of fact provided below and recommend to the City Council approval of a special use for automobile sales pursuant to Section 5.08.03.4 of the UDO, and authorize a new monument sign pursuant to 13.02.06 of the UDO to include digital technology and minor exceptions to sign regulations, all subject to the following conditions:

A. The special use shall at all times be in substantial compliance with the site plan attached to the Planning and Zoning Commission staff report.

B. A sign permit shall be obtained pursuant to City Ordinances.

C. The existing monument sign located on the south side of driveway entrance must be removed no later than seven (7) days after the digital sign has been activated.

D. No other free standing or monument signs are authorized on the Subject Property.

E. The digital sign shall be in substantial compliance with the plans prepared by Omega Sign and Lighting Inc. latest revision dated 8/31/16 and attached to the Planning and Zoning Commission staff report.

F. Prior to the issuance of a permit for the digital sign, a landscape plan providing continuous screening of the base of the sign with deciduous and evergreen shrubs and perennials at a height not less than 24" shall be submitted to and approved by the Director of Community Development.

G. No portion of the sign structure may be closer than 18" from the front property line and in no instance under the existing overhead power lines.
H. The digital sign shall conform to the following operational limitations at all times:

a. Digital displays shall be static in nature, and shall not have movement of any kind or the appearance or optical illusion of movement, on any part of the sign.

b. Each message on the sign must be displayed for a minimum of 20 seconds or such longer time as may be hereafter enacted by the City in the UDO.

c. The change between static messages must be accomplished immediately, with no use of any transitions.

d. The sign must include light sensors and dimmer controls that automatically adjust to outdoor lighting levels so that illuminations levels are dimmer at night and on cloudy days than during sunny days. In no instance shall lighting intensity exceed 500 nits.

e. The sign shall not contain any "off-site" advertising.

f. The sign shall be equipped with an automatic off switch when the sign is malfunctioning or has missing light fields.

Standards for Special Use and Findings

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

   Except as authorized by a previously approved site plan, and as requested as part of this special use request, the proposed special use complies with all provisions of the GC zoning District.

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 granting of the special use for the business will have no detrimental impact on the value of other property in the neighborhood given that the use has been in operation successfully over the years, and is in fact currently expanding. The addition of the digital sign is consistent in size and will be regulated with conditions to ensure that there will be no detrimental impact on surrounding properties.

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. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to (1) the location, nature and height of buildings, structures, walls
and fences on the site; and (2) the nature and extent of proposed landscaping and screening on the proposed site.

The granting of the special use for this business will not dominate the neighborhood. Although the sign may make the sign more visible or noticeable, it is small in height when compared to the existing sign. Additionally, an condition is recommended that requires adequate landscaping surrounding the base of the sign prior to the permit being issued for the sign.

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

The site is already provided with adequate utilities, drainage and other public services.

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 use of a car dealership along this commercial corridor is consistent with good planning practice, will not be detrimental to the public health safety or welfare, and will not negatively impact the value of surrounding properties. The use has existed harmoniously with surrounding businesses in the corridor for several years. The proposed monument sign that incorporates digital technology is consistent in size with surrounding commercial businesses, and will include operational conditions that are intended to minimize distractions to motorists.