

**MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
January 11, 2017**

The Planning and Zoning Commission held a Meeting on January 11, 2017 at the City of DeKalb Municipal Building, 200 S. Fourth St., DeKalb, Illinois.

Chair Atherton called the meeting to order at 6:01 PM.

A. ROLL CALL

Natalie Nelson called the roll and the following members of the Planning and Zoning Commission were present: David Castro, Deborah Nier, Jerry Wright, Vicki Buckley, and Chair Christine Atherton. Member absent at roll call was: Matthew Crull.

City staff present were Community Development Director Jo Ellen Charlton, Interim Principal Planner Dan Olson, and Administrative Assistant Natalie Nelson.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Interim Principal Planner Dan Olson announced that item D1, under Approval of Minutes, should be corrected to read November 30, 2016, not November 20.

Chair Atherton requested a motion to approve the January 11, 2017 agenda as amended. D. Castro motioned to approve the agenda as amended, J. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. CITIZEN COMMENTS (Open Floor to Anyone Wishing to Speak on Record)

None.

D. APPROVAL OF MINUTES

1. November 30, 2016 meeting minutes

Chair Atherton requested a motion to approve the minutes for the November 30, 2016 meeting. J. Wright motioned to approve the minutes as noted, D. Castro seconded the motion, and the motion was approved by unanimous voice vote.

2. December 14, 2016 meeting

Chair Atherton requested a motion to approve the minutes for December 14, 2016 meeting. D. Castro motioned to approve the minutes as noted, J. Wright seconded the motion, and the motion was approved by unanimous voice vote.

E. OLD BUSINESS

None.

F. NEW BUSINESS

Before addressing the Public Hearing, Chair Atherton welcomed new commissioner Vicki Buckley. Commissioner Buckley provided an overview of her work experience and community involvement.

1. Public Hearing on Text Amendments to Article 7.14 “Design Requirements for New Residential Construction” of the Unified Development Ordinance.

Interim Principal Planner Dan Olson provided City staff comments. He reported that the Mayor and City Council have been working to consolidate the commissions, boards, and committees to avoiding duplication of duties and improve efficiency. The purpose of the Design Review Committee (DRC) was to review design plans for new homes. The DRC has not met for over seven years. The proposed amendments will remove the DRC from the municipal code and assign its duties to the Landmark Commission or the Community Development Director.

D. Olson referred to Exhibit 1, which contains the proposed changes to Article 7.14 of the Unified Development Ordinance (UDO). He explained that the DRC was developed to review new homes in subdivisions approved after 1990 and built out to more than 90%. Currently, most subdivisions built since 1990 are either completed or have not yet reached the 90% built out. The DRC also was tasked with reviewing plans for homes either in a historic district or historic landmark, after the Landmark Commission’s comments.

D. Olson provided an overview of the changes involved in the transfer of the DRC duties. He explained that the design guidelines and checklist in Article 7.14, which requires a 75% score for approval, will remain in place. Plans for homes in a historic district or a historic landmark will be reviewed and scored by the Landmark Commission. Plans for homes not in a historic district or a historic site, or in subdivisions approved after 1990 that are beyond 90% built out, will be reviewed and scored by the Community Development Director or designee.

D. Olson added that if a plan is denied by either the Landmark Commission or the Community Development Director or designee, the applicant may still appeal to the City Council as was the case previously.

City staff recommends approving the proposed changes to the Municipal Code, including deleting Chapter 48 and amending Chapter 44 and Chapter 23, Article 7.14.

PUBLIC PARTICIPATION

At 6:10 PM, Chair Atherton announced that she would invite the public to speak but noted that no public was present.

COMMISSION DISCUSSION

Chair Atherton asked City staff if the Landmark Commission meeting schedule is regular. Director Charlton explained that the Landmark Commission meets on an ad hoc basis, so a meeting would be called if a petition required its review and approval.

Commissioner Castro asked for clarification of the role of the Landmark Commission versus the Community Development Director or designee. D. Olson responded that the location of the new home governs whether the Landmark Commission or the Community Development Director or designee review and approve or deny design plans. If a new home is located in a historic district or a historic site, only the Landmark Commission is responsible for determining if the design plans are acceptable. If the new home is located outside a historic district and not a local landmark and in subdivisions approved after 1990 and beyond 90% built out, only the Community Development Director or designee reviews the plan.

Planner Olson explained that the proposed amendments to Appendix 7-A in the meeting packet did not include the tracked changes to the fourth and fifth columns, which had previously read "Staff" and "DRC," respectively. City staff will provide a revised Appendix 7-A with redlined text included when presented to the City Council.

MOTION

Commissioner Wright motioned that, based on the submitted petition and testimony presented, that the Planning and Zoning Commission recommend to the City Council approval of the text amendments to Article 7.14 of the UDO to absorb the Design Review Committee's duties into the Landmark Commission or the Community Development Director or designee as indicated in Exhibit I and Appendix 7-A. The motion was seconded by Commissioner Castro.

VOTE

A roll call was vote taken. Yes votes were voiced by D. Castro, D. Nier, J. Wright, V. Buckley, and Chair Atherton. No no votes were voiced. The motion passed unanimously.

Chair Atherton closed the public hearing at 6:17 PM.

2. **Discussion** on Video Gaming

D. Olson provided background information on video gaming regulations. In 2009, the State of Illinois passed the Video Gaming Act, which authorized the placement of up to five video gaming terminals in licensed retail establishments, truck stops, and veteran and fraternal establishments, all of which must have liquor sales. The City of DeKalb opted in to allow video gaming.

As of November 2016, the City of DeKalb had 18 video gaming establishments with 76 terminals in the City. Initially bars and fraternal organizations added video gaming machines to their locations as accessories. Soon, primary use video gaming establishments began to spread across Illinois and chains of video gaming establishments developed. These types of locations often occupy in small units in multi-tenant commercial buildings in high traffic areas.

D. Olson reported that last summer the City Council discussed at length their concerns and those of the citizens regarding the proliferation of video gaming establishments. Copies of City staff memos to the City Council are included in the meeting packet. In September 2016, City Council placed a moratorium on new video gaming terminals to allow time to study the issue and develop regulations for principal use video gaming establishments. The moratorium is scheduled to expire on March 13, 2017. The City Council and City staff requested the Planning and Zoning Commission to provide guidance and direction for drafting an amendment to the Municipal Code. A public hearing before the Planning and Zoning Commission is planned for February 15, 2017, in preparation for the City Council's consideration by the time the moratorium expires.

City staff requested that this Commission consider the following amendments to the UDO:

- 1) Creating a new zoning classification and definition for video gaming/modifying the definitions for accessory and principal use,
- 2) Determining which zoning districts should allow principal use video gaming as a permitted use, a special use, or prohibited, and
- 3) Limiting the distance between video gaming establishments to avoid clusters.

D. Olson added that video gaming is currently allowed in zones wherever bars and fraternal organizations are allowed, including in the downtown Central Business District (CBD) area.

Discussion among the Commission members took place. Chair Atherton confirmed with City staff that the liquor license classification governs the location and hours of operation of video gaming establishments. Director Charlton offered to provide to the Commission at the next meeting a map that shows the video gaming locations as well as other liquor license locations.

Planner Olson explained that if the ordinance for a Planned Development-Commercial site (PD-C) allows bars, video gaming is also allowed. Director Charlton recommended that regulating video gaming be considered during the creation of future planned developments.

Commissioner Castro suggested considering whether the City should regulate video gaming or should the market be allowed to determine the number of establishments and their proximity to each other.

Commissioner Nier asked if the City can reduce the number of video gaming terminals allowed to less than the five allowed by the State. Director Charlton responded that a municipality cannot impose a lower limit. She added that municipalities that require kitchen food service for a liquor license are less desirable for video gaming due to the increased start-up investment costs. Kitchen food service is not required for a bar liquor license in DeKalb, so it is attractive for these establishments to locate here. It was noted that, the monies patrons spend on alcohol at DeKalb's primary use video gaming establishments is far less than the amount patrons gamble on the video gaming terminals.

The Commission requested that definitions for video gaming be clarified since these are not traditional arcade games. Multiple Commission members stated they wished to prohibit principal use video gaming establishments in the downtown Central Business District (CBD) area and continue to encourage primarily retail uses in that area. They also discussed the option of limiting new video gaming establishments elsewhere in the City by instituting a minimum distance between them or limiting the number allowed in a certain area.

Director Charlton explained to the Commission that the memo dated July 6, 2016, included in the meeting packet, states that three video gaming establishments on Sycamore Road were pending approval. Between the time that memo was written and the beginning of the moratorium, all three were approved. Any amendment to the UDO made now would allow existing video gaming establishments to continue operating as legal non-conforming, provided that ownership or use do not change, and the building is not destroyed beyond 50%.

Commissioner Castro asked whether DeKalb has a history of restricting the location of any other types of businesses. Director Charlton related her experience in another community that sought to limit the proliferation of beauty supply stores in a downtown area by implementing a minimum separation distance. Planner Olson reported that DeKalb requires a minimum distance between principal use retail tobacco establishments and between retail tobacco establishments and other uses.

The Commission and City staff agreed that limiting the number of video gaming establishments could be achieved with distance restrictions and/or setting a maximum percentage of a building that could be occupied by video gaming.

Commissioner Nier asked if additional video gaming businesses have inquired about locating to DeKalb since the moratorium was enacted. Director Charlton reported that a developer had expressed interest in locating a video gaming establishment in the strip center next to Schnuck's. She added that per the Planned Development Agreement bars are not allowed; therefore, video gaming could not be a permitted or special use without an amendment. Natalie Nelson reported that a fraternal organization inquired if they could keep their current video gaming terminals if they relocated. They were advised that since their terminals are dependent upon their liquor license, and relocating would require a new liquor license, their terminals would not be permitted at a new location during the moratorium.

The Commission asked City staff to investigate video gaming restrictions in surrounding communities, namely Sycamore, Rochelle, and Maple Park. City staff will also present to the Commission at the next meeting a draft text amendment with language to prohibit video gaming establishments in the CBD as neither a permitted use nor a special use, to clarify definitions of video gaming, and to suggest location restrictions. City staff will also report upon surrounding communities' treatment of video gaming and what non-conforming situations will be affected by instituting separation restrictions.

G. CONSIDERATIONS

None.

H. REPORTS / ITEMS FOR NEXT MEETING

City staff reported that several petitions are in the Commission's queue. To avoid a very long meeting, City staff asked to schedule an additional meeting on February 22, 2017. Commissioners will confirm availability with City staff.

The next meeting of Commission, scheduled for January 25, 2017, will include a Public Hearing regarding a Sonic restaurant on West Lincoln Highway.

I. ADJOURNMENT

Seeing and hearing no further comments, Chair Atherton requested a motion to adjourn. D. Nier motioned to adjourn, D. Castro seconded the motion, and the motion was unanimously approved by voice vote. The meeting adjourned at 7:08 PM.

Natalie Nelson, Administrative Assistant

Minutes were approved by the Planning and Zoning Commission on January 25, 2017.