

**MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
January 25, 2017**

The Planning and Zoning Commission held a Meeting on January 25, 2017 at the City of DeKalb Municipal Building, 200 S. Fourth St., DeKalb, Illinois.

Chair Atherton called the meeting to order at 6:00 PM.

A. ROLL CALL

Natalie Nelson called the roll. Members of the Planning and Zoning Commission present at roll call: David Castro, Matthew Crull, Vicki Buckley, Deborah Nier, Jerry Wright, and Chair Christina Atherton. No members were absent at roll call

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)

Chair Atherton requested a motion to approve the January 25, 2017 agenda. D. Castro motioned to approve the agenda, J. Wright seconded the motion, and the motion was approved by unanimous voice vote.

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

None.

D. APPROVAL OF MINUTES

1. January 11, 2017 meeting minutes

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

E. OLD BUSINESS

None.

F. NEW BUSINESS

1. **Public Hearing** on an application from Weaver Enterprises LTD/Seth Wolken - Boom Real Estate Development for an amendment to the special use permit for a restaurant with drive-through approved via Ordinance No. 06-25; variance to reduce the number of required parking spaces from 41 to 31 and

approval of a site plan to allow for the development of a new Sonic Restaurant with drive-through at 1115 West Lincoln Highway.

PETITIONER PRESENTATION

Seth Wolken, representative from Boom Enterprises, 1540 Dundee Road, Palatine, Illinois, spoke before the Commission. He stated that Boom Enterprises is a franchisee for nine Sonic drive-ins in the western and northwestern Chicago suburbs; DeKalb location will be the tenth location. Mr. Wolken thanked City staff for working cooperatively on plan development and introduced Wade Harden of Sonic Restaurants.

Mr. Harden, representative of Sonic Restaurants, 300 Johnny Bench Drive, Oklahoma City, Oklahoma, 73104, spoke before the Commission. He thanked the Commission and Chair for considering the petition and City staff for working with him to develop the proposed plans. He presented images on the screen of the site, which was formerly Long John Silver's/Kentucky Fried Chicken. He stated that the site will be similar to the existing site, with the addition of branding elements, ADA accessible pedestrian access from the Lincoln Highway right-of-way, and four canopy stalls along the east end of the building.

Mr. Harden displayed images of proposed site improvements including canopy stalls that are a common feature at Sonic locations, a monument sign measuring 5'x10', and landscaping that included additional trees requested by the City. He stated that the most significant changes proposed will be the building elevation due to branding and improvements required by the City's UDO. He provided details of additional design elements for Sonic branding and other improvements to the exterior, including materials, windows, and awnings.

Mr. Harden displayed images of the proposed parking plan, which includes 31 parking spaces, 4 canopy spaces, and interior seating for 70. He stated that the variance request is a reduction in the number of required parking stalls from 41 to 31. He supported this request with an example of a Sonic location in Chicago on West Wilson Avenue that functions well with comparable seating, staffing, and fewer parking spots. He also noted that the previous restaurant functioned well at the proposed site with an even greater number of dining seats and fewer parking spaces.

Mr. Harden concluded that the proposal before the Commission meets the requirements for approval of a Special Use Permit and a parking variance. He expressed agreement with the City staff report and asked the Commission for approval of these requests.

CITY STAFF COMMENTS

City of DeKalb Interim Principal Planner Dan Olson spoke before the Commission. He stated that the proposed site has a history of restaurants with drive-thru lanes, including Wendy's and KFC/Long John Silver's. He reported that the 2006 approval of a Special Use Permit for the latter did not specify the number of required parking spaces. Sonic's proposal keeps the layout of the site much the same, with access to Lincoln Highway

through the entrance on the east and the exit on the west, and additional access on the northeast through the adjacent gas station parking lot, to Annie Glidden Road. Mr. Olson summarized the proposed building improvements, changes in elevation, and new materials, and similarities to the nearby Popeye's and Culver's restaurants. He confirmed that the proposed signage, landscaping, and lighting meet UDO requirements, and the petitioner has agreed to plant additional canopy trees and install an additional light on the north end of the property per City staff's requests. The petitioner has also agreed to provide \$5,000 for decorative street lights to be placed along Lincoln Highway in the future.

Mr. Olson reported that when the KFC/Long John Silver's Special Use Permit was approved in 2006, City staff reports recommended allowing fewer parking spaces than required due to the property's limited size, although a specific number was not stated. Sometime after the initial approval, additional parking was added to increase the total number of spaces from 22 to 31. Since there is no land to add more parking spaces, Mr. Olson stated that City staff is comfortable with the 31 parking spaces that currently exist.

Mr. Olson directed the Commission to refer to the City staff report's "Standards of Finding of Fact for Variations."

Mr. Olson stated that City staff recommends approval of the requested variance in the number of parking spaces and of forwarding to City Council a recommendation to amend the Special Use Permit.

COMMISSION DISCUSSION

Commissioner Castro asked Mr. Olson what triggered this amendment to a 2006 Special Use Permit. D. Olson responded that the 2006 ordinance was related to approval of a KFC/Long John Silver's, which included specifications for the site including landscaping, building materials, elevations, and a maximum number of parking spaces as could be accommodated safely. The number of required parking spaces was not specified. The conditions of the new proposal do not match the previous Special Use Permit's conditions, so an amendment became necessary.

Commissioner Castro emphasized that the variance request before the Commission is appropriate due to the site's limited size, which differs from a parking variance request for fewer parking spaces when a lot has space to expand. He also requested that when the motion is made, the term "donate" be revised to "give" or "provide" in regard to the funds for future decorative lighting in the text of the sample motion.

Commissioner Nier voiced agreement with Commissioner Castro and pointed to phrases in the staff memo that state that parking cannot be expanded, and imposing the parking space requirement would prevent the redevelopment.

Commissioner Castro asked if City staff is aware of parking issues in the past with other restaurants on the site. Chair Atherton related that she once saw a bus that needed to

park in the nearby gas station due to the narrow nature of the restaurant's lot. Mr. Olson noted he is not aware of any past complaints on parking on the site. Chair Atherton asked for confirmation that 20 parking spaces exist in the back area of the lot near the crossover area to the gas station. Mr. Harden responded that those parking spaces do currently exist and maneuvering around them would not be difficult for delivery trucks or emergency vehicles.

Chair Atherton asked if vehicles stacking at the drive-thru has been considered. Mr. Harden responded that the drive-thru speaker will remain where it is with space for five cars to stack in the lane. D. Olson noted that the UDO has a five-car stacking space requirement.

Chair Atherton expressed thanks to Mr. Harden and Mr. Wolken for bringing Sonic to DeKalb at the proposed site near the University. She then requested a motion from the Commission.

MOTION

M. Crull stated that, based upon the submitted petition and testimony presented, he moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of an amendment to a special use permit for a restaurant with drive-through approved via Ordinance No. 06-25, and approval of a site plan, as listed on Exhibit I, to allow for the development of a new restaurant with drive-through and subject to the following conditions:

1. A revised photometric plan shall be submitted indicating a new parking lot light along the northern portion of the subject property.
2. Within one year after approval of the special use permit, the applicant shall provide the sum of \$5,000 to the City for the purpose of paying a portion of the cost of future decorative lighting within the Lincoln Highway Right of Way.

This motion was seconded by D. Nier.

VOTE

A roll call vote was taken. Aye: D. Castro, M. Crull, V. Buckley, D. Nier, J. Wright, and Chair Atherton. Nay: none. The motion passed 6-0-0.

MOTION

M. Crull stated that, based on the submitted petition, testimony presented and findings of fact, he moved that the Planning and Zoning Commission approve a variation to reduce the number of required parking spaces from 41 to 31 on the property subject to the following conditions:

1. The subject site is developed per the Site Plan (Sheet SP 1) prepared by Sonic Corp. dated 1-16-17.

This motion was seconded by J. Wright.

VOTE

A roll call vote was taken. Aye: D. Castro, M. Crull, V. Buckley, D. Nier, J. Wright, and Chair Atherton. Nay: none. The motion passed 6-0-0.

Chair Atherton closed the public hearing at 6:34 PM.

G. REPORTS / ITEMS FOR NEXT MEETING

Director Charlton asked Commissioners to confirm their personal contact information. She also announced that Katherina Barbe has been nominated to join the Planning and Zoning Commission and will be appointed by Mayor at the City Council meeting on February 13, 2017.

Planner Olson announced the next meetings of the Planning and Zoning Commission:

- February 15, 2017 – Regular meeting at which public hearings will be held regarding amendments to the UDO for video gaming and rezoning of a downtown property for a project.
- February 22, 2017 – Special meeting to address a Special Use Permit on Peace Road and a Special Use Permit for updated communication equipment on a building along E. Taylor St.
- March 1, 2017 – Regular meeting.

I. ADJOURNMENT

Seeing and hearing no further comments, Chair Atherton requested a motion to adjourn. Crull motioned to adjourn, V. Buckley seconded the motion, and the motion was unanimously approved by voice vote. The meeting adjourned at 6:35 PM.

Respectfully Submitted,

Natalie Nelson, Administrative Assistant

Minutes were approved by the Planning and Zoning Commission on February 15, 2017.