



DEKALB PLANNING AND ZONING COMMISSION AGENDA

April 5, 2021

6:00 P.M.

DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, Illinois 60115

PLANNING AND ZONING COMMISSION MEETING

COVID-19 Notice: This meeting will be conducted in-person with a physically present quorum and open to the public. The corporate authorities of the City of DeKalb intend to conduct this meeting in compliance with all applicable social distancing and public health requirements. All persons attending this meeting in-person shall be required to wear protective face masks/coverings. Furthermore, the corporate authorities of the City of DeKalb intend to conduct this meeting pursuant to Illinois Governor JB Pritzker's Executive Order 2021-4 dated February 5, 2021 (the "Executive Order"), which prohibits meetings of more than 50 people for Phase 4 mitigations, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption "to ensure the operation of government agencies or to provide for or support the health, safety and welfare of the public."

As a convenience to the public, the City of DeKalb may also provide video, audio, telephonic or internet access for the public to monitor this meeting. The provision of any such remote means of access is not intended to provide for attendance by a means other than physical presence due to the COVID-19 public health emergency, nor is it intended to provide an opportunity for the public to address public officials, make public comment or otherwise participate in the meeting.

Persons wishing to provide public comment or otherwise address public officials in person during this meeting must comply with all applicable rules governing the conduct of this meeting including, but not limited to, the aforementioned social distancing and face covering requirements.

The City of DeKalb is providing the following conveniences for the public to monitor and participate in this meeting:

- Persons wishing to view the meeting from home or elsewhere can tune in to Channel 14 or by following the link provided [here](#).
- Persons wishing to provide public comment but are unable to attend the meeting in person or remotely may forward their comments by clicking on the link provided [here](#). Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure dissemination to the Planning and Zoning Commission before the meeting convenes.
- Zoom Meeting Information

Join Zoom Meeting

<https://us02web.zoom.us/j/83242285783?pwd=dE83cFltYmMwbzg5WGEEyaGxsN1lBZz09>

Meeting ID: 832 4228 5783

Passcode: 586193

One tap mobile

+13126266799,,83242285783#,,,,*586193# US (Chicago)

Dial by your location:

+1 312 626 6799 US (Chicago)

Passcode: 586193

- For those participating via Zoom and wishing to comment during the public hearing portion of the meeting, please click on the link provided [here](#) and add in the Comment Section that you wish to address the Commission verbally. Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure your name is added to the list of remote speakers.

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES

1. March 1, 2021

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

E. NEW BUSINESS

1. **Public Hearing** – A petition by NuMed Partners LLC for approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway.

F. REPORTS

G. ADJOURNMENT

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
March 1, 2021

The Planning and Zoning Commission held a meeting on March 1, 2021, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Chair Maxwell called the meeting to order at 6:00 PM.

Chair Maxwell stated he wanted to thank everyone for being here tonight. He mentioned for those attending, the meeting room has been set up to meet the CDC recommended distancing guidelines and the Executive Order from the Governor.

A. ROLL CALL

Principal Planner Dan Olson called the roll. Planning and Zoning Commission members present were: Ron Klein, Trixy O'Flaherty, Jerry Wright, Bill McMahon, and Chair Max Maxwell. Steve Becker attended the meeting remotely by video conference. Maria Pena-Graham was absent. Principal Planner Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the March 1, 2021 agenda as presented. Mr. Klein motioned to approve the agenda as presented. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. February 16, 2021 – Chair Maxwell requested a motion to approve the February 16, 2021 minutes as presented. Mr. Wright motioned to approve the minutes as presented. Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

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

None

E. NEW BUSINESS

1. **Public Hearing** – A petition by USCOC of Central Illinois LLC for approval of a special use permit for existing antennas and associated equipment on top of a 16-story building located at 507 E. Taylor Street to allow for an upgrade of communication equipment (US Cellular).

Shawn Kellis (attending remotely), representing USCOC of Central Illinois, advised the proposed equipment will be located on top of 507 E. Taylor Street. He stated the property has several antennas already located on the roof from various carriers including U.S. Cellular. He noted the proposal is for an upgrade to existing equipment.

Mr. Kellis advised their scope of work includes replacing and adding three antennas, adding three junction boxes, adding twelve remote radio units, replacing and adding one outdoor cabinet, and wrapping antennas in a reflective material. He stated these changes will have minimal to no visual impact on the park or surrounding area. He mentioned they will be using both reflective and stealth material to decrease any visual impact of the antennas and equipment. He advised the stealth material will have a brick design to allow for the lower portions of the equipment to blend into the building.

Mr. Kellis stated the antennas are eight feet tall and will only extend four feet above the penthouse. He added there will be no lighting added to the equipment, as the Federal Aviation Administration (FAA) does not require it. He advised the proposed equipment will not add any noise pollution, as there are no generators or noise producing equipment. He stated the upgraded equipment will not be detrimental to the surrounding area and will improve communication capabilities.

Principal Planner Dan Olson went through the staff report dated February 25, 2021. He advised in March 2017, the City Council approved a special use permit to US Cellular in order to upgrade existing antenna equipment. He noted the Unified Development Ordinance (UDO) requires construction or operation of a special use to commence within two years. He stated the work wasn't completed within that timeframe, so U.S. Cellular had to re-apply for the special use permit.

Mr. Olson stated T-Mobile received a comparable special use permit in 2018 for the same location, in which they were required to add reflective material to the equipment to minimize visual impacts. He added City staff suggested this type of material be added to the equipment proposed by U.S. Cellular, to which the applicant was very receptive. Mr. Olson advised the special use application is in compliance with the standards for antenna facilities and special use permits as outlined in the UDO.

Mr. Olson noted a citizen response form was received from the building owner of the subject site, representing the Housing Authority of DeKalb County, expressing their support of the special use.

Mr. Olson advised staff recommends approval of the special use permit contingent upon approval of the submitted drawings labeled Exhibit A, addition of concealment film and brick veneer wrap, and submittal of the necessary application and plans to the City in compliance with applicable building codes and regulations.

Chair Maxwell gave the public an opportunity to speak. There was none.

Chair Maxwell gave Commission members an opportunity to speak.

Mr. Klein questioned if any of the upgraded or additional equipment will extend past what is currently existing and if any additional lighting will be required. Mr. Kellis advised the equipment will not extend past the existing equipment and will be approximately the same height. He noted the FAA does not require any additional lighting to be added in conjunction with this project and stated their equipment is not the tallest point of the building. Chair Maxwell advised he believes there is already lighting on the building.

Mr. Klein questioned if there will be any additional weight added from the upgrades and if a structural analysis has been done. Mr. Kellis advised a structural analysis has been completed and the structure will support the additional weight. Mr. Olson added the Building Department will verify this information along with their building permit plans.

Mr. Wright asked what benefits will come from the upgrade of cellular equipment. Mr. Kellis responded the radios will be placed closer to the antennas, shortening the latency between the equipment. He added this will increase the data rate and speeds for customers.

Mr. Wright moved the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for existing antenna and associated equipment on top of a 16-story building at 507 E. Taylor St. to allow for an upgrade of communication equipment subject to the following:

1. The antennas and equipment upgrades shall comply with the drawings dated 2-12-21 indicated on Exhibit A.
2. Panel antennas to be wrapped with 3M concealment film and 3M brick veneer wrap to match existing building. Exposed framing members on proposed gamma sector mount to be wrapped with 3M concealment film.

3. The applicant is required to submit the necessary application and plans to the City in compliance with applicable Building Codes and the regulations of Article 7.08 of the UDO (Wireless Communications Ordinance).

Mr. McMahon seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Ms. O’Flaherty – Yes, Mr. Becker – Yes, Mr. Wright - Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Ms. Pena-Graham was absent. Motion Passed 6-0-1.

- 2. Public Hearing** – A petition by the City of DeKalb to allow two-family or multi-family attached dwellings not meeting the minimum lot area requirements as a special use in the "TFR" and "MFR-1" Districts and to remove the allowance for multi-family dwellings not meeting the building height requirements to apply for a special use in the "MFR-2" District.

Principal Planner Dan Olson went over the staff report dated February 25, 2020. He advised the City is the applicant for this text amendment proposal to allow two-family and multi-family attached dwellings not meeting the minimum lot area requirements as a special use in the “TFR” Two-Family Residential District and “MFR1” Multi-Family Residential District. He added the proposal also includes an amendment to the “MFR2” Multi-Family Residential District to remove the allowance for a multi-family dwelling not meeting the building height requirements to apply for a special use permit.

Mr. Olson said there are references in the UDO regarding two-family and multi-family attached dwellings not meeting the minimum lot area requirements, however, the article references sections that aren’t related. He noted staff believes the intention was to allow two-family and multi-family attached dwellings not meeting the minimum lot area requirements the ability to apply for a special use. He stated the proposed text amendments will clarify these code sections.

Mr. Olson noted the minimum lot area requirement for two-family attached dwellings is 7,000 sq. ft. and 3,500 sq. ft. per dwelling unit for multi-family attached dwellings. He mentioned there have been a few cases recently that were unable to meet the minimum requirements, and the amendments would allow the property owners to apply for a special use permit. He added several older properties in town are unable to meet the minimum lot area requirements and this would give property owners the opportunity to seek approval through the Planning and Zoning Commission and City Council. He mentioned a variance can be requested currently for a lot not meeting the minimum area requirements, however, it can only be requested for not less than 80% of the required area. Mr. Olson added the proposed amendments will allow

prospective owners of some non-conforming residential structures to re-establish dwelling units although they do not meet the minimum lot area requirement.

Mr. Olson advised properties in the MFR2 District can already apply for a special use if they don't meet the minimum lot area requirements. He noted the current language in the MFR2 District allowing a special use permit if the property does not meet height requirements will be removed. He added a variance can be applied for if a structure will exceed the maximum building height requirement.

Chair Maxwell gave the public an opportunity to speak. There was none.

Chair Maxwell gave the Commission an opportunity to speak.

Ms. O'Flaherty advised she knows several property owners in town that would be positively affected by the proposed amendments. She stated there are several two-family homes on North 9th Street that might not meet the minimum lot area requirements and this amendment will allow property owners and realtors more opportunity to rehabilitate homes.

Mr. Klein advised he knew several properties in the past that would have greatly benefited from these changes.

Mr. Becker questioned if staff knew an approximate number of properties that would be affected by these changes. Mr. Olson advised no official count was taken; however, he would guess less than 100.

Chair Maxwell advised he approves of the changes and how it allows property owners to invest and improve their properties. He stated, however, he does not want these changes to allow properties to have an excessive number of dwelling units on smaller lots. Mr. Olson advised it will be controlled by parking requirements and the special use permit must be approved by the Commission and City Council.

Ms. O'Flaherty moved the Planning and Zoning Commission recommend to the City Council approval of Text Amendments to the Unified Development Ordinance as indicated in Exhibit A of the staff report.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Klein – Yes, Ms. O'Flaherty – Yes, Mr. Becker – Yes, Mr. Wright - Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Ms. Pena-Graham was absent. Motion Passed 6-0-1.

F. REPORTS

Mr. Olson advised there are no hearings scheduled for March 15, 2021, so the meeting will most likely be cancelled. He added during the last City Council meeting on February 22, 2021, the Cheseboro School amended site plan and rezoning of the property off E. Gurler Road was approved. He also mentioned the special use permit for the Nehring Electrical Works parking lot off E. Locust Street was approved on second reading.

Chair Maxwell advised Mr. Klein will be stepping down from the Planning and Zoning Commission and this will be his last meeting. He thanked Mr. Klein for his dedication and time on the Commission.

G. ADJOURNMENT

Mr. Klein motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:38 PM.