

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
January 16, 2024

The Planning and Zoning Commission held a meeting on January 16, 2024, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St. DeKalb, Illinois. Vice Chair Bill McMahon called the meeting to order at 6:00 PM.

A. ROLL CALL

Planning Director Dan Olson called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O’Flaherty, Jerry Wright, and Bill McMahon. Maria Pena-Graham, Shannon Stoker, and Max Maxwell were absent. Planning Director Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair McMahon requested a motion to approve the January 16, 2024, agenda as presented. Mr. Becker 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. December 18, 2023 –Vice Chair McMahon requested a motion to approve the December 18, 2023, 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 Maercker Properties LLC, for approval of the rezoning of the subject site at 11921 Rt. 38 from the “BC” Business Conservation District (DeKalb County) to the “PD-I” Planned Development – Industrial District to allow light industrial uses, including a plumbing company, in a proposed six (6) lot subdivision.

Kevin Buick, the attorney representing Maercker Properties LLC, explained the petition for rezoning is for a property located at the northwest corner of Rt. 38 and Webster Road. He added the site is not within the City of DeKalb’s limits. Mr. Buick stressed the applicant has had extensive talks with the City regarding approving an annexation agreement. He noted the agreement will require annexation once the subject property becomes contiguous to the City’s corporate limits. Mr. Buick informed the Commission State law permits the parcel to seek the zoning and subdivision controls of the municipality in which they entered the annexation agreement with.

Mr. Buick indicated discussions have taken place with DeKalb County and they support the rezoning request and annexation agreement. Attorney Buick referenced the site plan which consists of six lots, one of which would be the location of the applicant's plumbing business. He spoke on the 2022 Comprehensive Plan which called for this area to have industrial uses and added the DeKalb County Soil and Water Conservation District report was received and they have no objection to the proposal.

Mr. Buick said the water service is currently well water with a septic facility on the property which would continue until the City water or KWRD sanitary service was within 200 feet of the property. He addressed the public input from the owners of 86 acres at the southeast corner of Rt. 38 and Webster Road (Richard and Sharon Nolan) who encouraged a nice looking development. Mr. Buick stressed the applicant also wants an appealing development and intends to meet the Urban Design Guidelines in the 2022 Comprehensive Plan.

Planning Director Olson went through the Staff Report dated January 11, 2024. He noted the business has been in the community since 1982 and the City wants the business to remain local. Mr. Olson spoke about the boundary agreement with Cortland and said the subject site is on DeKalb's side of the boundary line and is within the City's 1.5-mile planning jurisdiction.

Mr. Olson explained if approved, the annexation agreement will be presented to the City Council. He reiterated the applicant will have to hook up to public water and sewer once those utilities are closer to the subject property. He mentioned the request meets all the criteria for a rezoning and complies with the 2022 Comprehensive Plan.

Planning Director Olson spoke on the comments from Richard and Sharon Nolan regarding appearance of the project and the comparison to the Park 88 development. He mentioned the Park 88 development is much larger and has extensive development regulations and it's not comparable to the subject project. He mentioned future buildings in the proposed subdivision will need to follow the UDO requirements and said the City recommends approval of the request.

Vice Chair McMahan asked if there were any questions or comments from the public in which there were none.

Vice Chair McMahan asked if there were any questions or comments from the Commission members.

Mr. Becker stated the rezoning request makes sense and just wants to stress this is an entry point into the City and wants the development to look appealing.

Mr. Wright asked if the rezoning petition is customary before annexing the property. Planning Director Olson stated no, it is not customary. He added, however, this type of agreement is allowed and met with the approval of the City Attorney.

Bill McMahan asked why the applicant was doing this now and stated he could build and develop in the County. Mr. Buick stated the applicant does not have the ability to annex at this time until an adjacent property is annexed into the City. He said DeKalb

County does not regularly handle subdivision requests and they usually recommend properties be annexed to municipalities. Attorney Buick touched on Commissioner Wright's question and added there are state statutes that allow for annexation agreements such as this if they are within 1.5 miles of a municipality.

Mr. Becker moved that based upon the submitted petitions and testimony presented, the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of the rezoning to the "PD-I" Planned Development Industrial District for the property located at 11921 Rt. 38 per the Preliminary Plan labeled as Exhibit A and subject to the Planned Development Standards listed in Exhibit B.

Ms. O'Flaherty seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O'Flaherty – Yes, Mr. Wright – Yes, Vice Chair McMahon – Yes. Ms. Pena-Graham, Ms. Stoker, and Mr. Maxwell were absent. Motion passed 4-0-3.

2. **Public Hearing** – A petition by Mohammad Majid for approval of a special use permit to allow a retail tobacco store for the tenant space located at 830-834 W. Lincoln Highway.

Mohammad Majid, tenant of 818 W. Lincoln Highway, explained his request is to move his retail tobacco store from 818 W. Lincoln Highway, Unit #4 to 830-834 W. Lincoln Highway. He added this is due to the need for a larger space. Mr. Majid said the current space is 1,000 sq. ft and the proposed location would be about 2,000 sq. ft. and the only difference would be they would be adding a larger humidior.

Planning Director Olson went through the Staff Report dated January 11, 2024, and described the move of the applicant's retail tobacco store within the Junction Shopping Center. He added the move is to accommodate a larger store to provide more display space for the customers. Mr. Olson covered some of the tobacco retail store standards in the Unified Development Ordinance (UDO) and said the applicant is meeting those requirements. He added the business in its current location has been there for about 15 years.

Mr. Olson stated the subject site is zoned "LC", Light Commercial District and they comply with all the zoning standards and adhere to the Comprehensive Plan. He noted the one public input form received from the property owner, Richard Finn, who stated support for the request. Mr. Olson mentioned the staff supports the request and there are two conditions the applicant must comply with including obtaining a tobacco license from the City and not allowing smoking in the approved tenant space.

Vice Chair McMahon asked if there were any questions or comments from the public in which there were none.

Vice Chair McMahon asked if there were any questions or comments from the Commission members.

Mr. Wright asked if Wired Nutrition was gone from the proposed tenant space. Mr. Majid stated yes, and have been out for a couple of months now.

Mr. McMahon asked if a new tobacco license was needed to move from their current location to the proposed location. Planning Director Olson responded yes and explained the license is issued for a specific location and is non-transferable.

Mr. Wright inquired about the humidor. Mohammad Majid stated the current humidor is about 100 sq. ft., which limits the products they can display. Mr. Majid said the new humidor should be two to three times the size of the current one.

Trixy O'Flaherty moved that based on the submitted petition, testimony presented and findings of fact, the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a special use permit for a retail tobacco store for the subject tenant space at 830-834 W. Lincoln Highway as shown on Exhibit A and subject to the following:

1. The applicant shall obtain a tobacco license from the City of DeKalb prior to the selling of tobacco products.
2. There shall be no smoking in the approved tenant space.

Mr. Wright seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O'Flaherty – Yes, Mr. Wright – Yes, Vice Chair McMahon – Yes. Ms. Pena-Graham, Ms. Stoker, and Mr. Maxwell were absent. Motion passed 4-0-3.

#### F. REPORTS

Planning Director Olson said the next Commission meeting is scheduled for February 5<sup>th</sup> and will include two public hearings. He added the first one will be for the new Fire Station along South Malta Road, and the other is in regard to text amendments to the UDO for fences. He informed the Commission the City Council approved at their last meeting the rezoning petition for 122 Cotton Ave and the duplex for Habitat for Humanity (1209 Pleasant St.).

#### G. ADJOURNMENT

Mr. Becker 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 6:28 PM.

Minutes prepared by: Stephanie Turner Approved: February 5, 2024