

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
January 23, 2019

The Planning and Zoning Commission held a Meeting on January 23, 2019, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Chair Christina Doe called the meeting order at 6:00 PM.

A. ROLL CALL

Recording Secretary Christine Wang, called the roll. Planning and Zoning Commission members present were Chair Christina Doe, Katharina Barbe, Vicki Buckley, and David Castro. Commissioners Klein, Maxwell, and Wright were absent.

City staff present were City Manager Bill Nicklas, Principal Planner Dan Olson and Recording Secretary Christine Wang

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Christina Doe requested a motion to approve the January 23, 2019, agenda as presented. Ms. Barbe motioned to approve the agenda as presented. Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

December 5, 2018 – Ms. Buckley motioned to approve the minutes, Ms. Barbe 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** – Petition for approval of City of DeKalb-initiated text amendments to Chapter 23 “Unified Development Ordinance” of the Municipal Code to amend Article 7.06 to further restrict the type of fences allowed, Article 7.12 to change who authorizes traffic studies, Article 12.03 to allow alternative paving materials for parking lots and driveways, Article 12.04 to modify the landscaping and berming requirements for front, side, and rear yards, Article 13.02 to allow variations for off-site temporary signs, Article 16.03 to change the reference from Board of Appeals to Planning and Zoning Commission regarding appeals, and Article 18 to amend the regulations regarding the

reference to the Board of Appeals, the appeals process and clarifying what variances can be applied for.

Principal Planner Dan Olson went through the staff report dated January 18, 2019. He stated after the December 5<sup>th</sup> Commission discussion and feedback regarding the proposed amendments to the UDO, a public hearing notice was published. Mr. Olson said that in regard to Article 7.06, the current fence regulations in the UDO are not specific regarding which materials are acceptable. He said that the only type of fence currently restricted is electrified fences, which is prohibited in all zoning districts. He added the proposed language adds chicken wire or any fence constructed of materials not specifically manufactured for use as fence to the list of prohibited fences. Mr. Olson said that language is proposed to allow temporary fences for construction sites, special events, temporary uses as allowed in Article 14.07, and public safety purposes as determined by the Chief Building Official.

Mr. Olson noted that the UDO regulations currently have requirements and criteria for when a traffic study must be conducted, including a minimum threshold for peak hour trips. He said the proposed language changes has the City Engineer approving traffic studies instead of the City Council.

Mr. Olson stated that in regard to Article 12.03(1), the UDO standards currently allow Portland Cement Concrete or Bituminous Concrete (asphalt) as acceptable materials for parking lots and driveways. He said that residents have requested to use materials such as permeable paving (concrete pavers) on private property in various applications. Mr. Olson said that staff worked with the City Engineer to come up with language allowing this material, and that it is recommended for single and two-family applications to require 3-inch concrete pavers over a minimum of 4-inches of clean crushed stone base with an allowable additional 1-inch of fine setting material. Mr. Olson said that additional standards would apply for higher intensity multiple family and commercial uses and noted that language was included that does not allow concrete pavers in the public right-of-way (parkway) between the curb and the sidewalk. Mr. Olson noted that an email from resident and business owner Steve Irving requested that the proposed language allow for a grass strip in between areas of the paver blocks and would be at a width to cover the tires for vehicles.

Mr. Olson said Article 12.04 of the UDO requires earth sculpting, berms, decorative screening, fences, or walls in yards adjoining a street in addition to the minimum number of trees and shrubs. Mr. Olson stated that the proposed language modifies this requirement so that in lieu of earth sculpting, berms, decorative screening, fences, or walls, that frontage may be 100 percent screened with shrubs that reach a height of three feet at the time of maturity.

Mr. Olson noted at the December 5th Commission meeting; discussion took place regarding a U.S. Supreme Court case in Arizona from 2015 that clarified when municipalities may impose content-based restrictions on signage. He said that the current sign code includes some regulations that base sign restrictions on their content and is likely unconstitutional. He said that some miscellaneous amendments to the sign code were discussed by staff with the Commission on December 5th, but until a comprehensive review is done, no amendments are proposed. He said that one small change is proposed to Article 13, which is related to a proposed amendment to Article 18 regarding allowing a variance for off-site temporary signs.

Mr. Olson said that in regard to Article 16.03.01, references to Board of Appeals is changed to the Planning and Zoning Commission. He noted that in Article 18, the Planning and Zoning Commission acts as the Board of Appeals, and that the proposed amendment to Article 18 includes changing references from Board of Appeals to the Planning and Zoning Commission. He also noted that the language changes also include replacing the Chief Building Official with Community Development Director regarding the appeals process outlined in Article 18. He said that amendments are also proposed to clarify the review and public hearing process for variances, which adds two additional criteria to the Findings of Fact for variances. He said that language is also recommended to further clarify what variances can be applied for.

Scott Shirmer of 1744 Kimberly Drive stated that the permeable surfaces issue was initiated by him in regard to a citation he received at his home. He said that he constructed something without understanding that a permit was necessary, and that he ended up receiving a citation. Mr. Shirmer said that he compared ordinances from other cities and asked that the City consider other approaches in allowing paver blocks. He said that the current proposed language was more suitable for an RV and heavier boats/vehicles. Mr. Shirmer noted that requirements could be different for smaller vehicles/boats noting the material requirements could be less for lighter weight ones. Chair Doe thanked Mr. Shirmer for coming and bringing this issue up to the Commission.

Ms. Buckley asked for clarification regarding the amendment to Article 12.03(1). Mr. Olson responded that the paving regulations is in regard to any paving in the driveway and noted that the materials were important to ensure that the vehicle can be supported by the paving. Mr. Castro also noted that the proposed amendment regarding prohibited fences was very open to interpretation and needed to be more specific. Mr. Olson stated he looked into other communities' fence regulations and came across language that was more encompassing instead of trying to specify and risk leaving some fence materials out.

In relation to Article 7.12, Mr. Castro noted the results of traffic studies vary based on the time of day the traffic counts are conducted and doing a count

only on one day is inadequate. Mr. Castro asked if traffic studies were available to the public to view and he would like a more scientific approach to the traffic studies. Chair Doe asked about how peak times are determined. Mr. Olson stated that the language in the Article should not be too specific and should allow the scope of a traffic study be determined on a case by case basis. Ms. Barbe asked if the interested party paying for the traffic study would have a reason to skew the study in their favor. Mr. Olson said the developer of a project pays for the traffic study and the study is reviewed by the City Engineer at a cost paid for by the developer. City Manager Bill Nicklas stated that he has previously worked with traffic engineers and that the traffic study ultimately comes down to the authority of the City staff. Mr. Nicklas also said that the traffic study is not about wait times at a traffic light but is instead about safety. He said that the City works with worldwide experts across the field and that they establish criteria regarding traffic studies.

Ms. Buckley said that in regard to the pavement, other kinds of paving material should be considered, as suggested by Mr. Shirmer. Mr. Nicklas said that it is important to balance common use and maintenance of the pavement and that regulations are meant to keep the driveways/storage areas lasting a long time and not for the short term. Ms. Barbe said with the language referring to fencing, the City should consider allowing the use of recycled materials. Chair Doe asked that the proposed amendment to 7.06 have language allowing electrical fences for dogs. Mr. Olson said that currently it is not prohibited. Chair Doe also asked if the restrictions regarding concrete pavers covered the public right of way and areas around trees. Mr. Olson clarified that it is in relation to the private driveway and storage areas only. Mr. Shirmer said that he was happy to take any opportunity to further discuss the issues he raised regarding this agenda item.

Ms. Barbe made a motion to continue the public hearing to the PZC meeting on February 6, 2019. Ms. Buckley seconded the motion, and the motion was approved by unanimous voice vote.

#### F. REPORTS

Mr. Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, February 6th, and there are two public hearings scheduled. Chair Doe welcomed Mr. Nicklas to the City, and thanked Economic Development Planner Jason Michnick for his service to the City.

#### G. ADJOURNMENT

Ms. Buckley motioned to adjourn, Mr. Castro seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 6:52 pm.

Respectfully Submitted

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on March 20, 2019