

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
March 4, 2020

The Planning and Zoning Commission held a Meeting on March 4, 2020, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Vice Chair Christina Doe called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Aaron Walker called the roll. Planning and Zoning Commission members present were: Christina Doe, Steve Becker, Ron Klein, Jerry Wright, and Trixy O'Flaherty. Chair Max Maxwell and Commissioner Vicki Buckley were absent. Principal Planner Dan Olson and City Attorney Matthew Rose were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair Doe requested a motion to approve the March 4, 2020, 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 19, 2020 – Vice Chair Doe requested a motion to approve the February 19, 2020 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)

Bessie Chronopoulos, of 423 Gayle Ave, thanked the Commission for their hard work and welcomed Ms. O'Flaherty to the Commission. She stated the Commission should meet on a more frequent basis to review the comprehensive plan, to conduct training sessions, and to review the City Code. She stated the Commission has the greatest impact on the community, second to the City Council.

E. NEW BUSINESS

1. **Public Hearing** – Petition by J&S Tri-State Recovery and Towing for approval of a special use permit for a vehicle tow facility and storage yard to be located at 110 Industrial Dr.

Adrian Roscelli, of 1516 Hulmes Dr, and Andrew Bjornson, of 114 Laurel St in Batavia, were present representing J&S Tri-State Recovery and Towing.

Mr. Roscelli stated they were looking to open a new towing facility and start relocations and towing for the DeKalb Police and County Sheriff's Department at 110 Industrial Dr. Mr. Roscelli advised the new site plan includes new signage and striping for the parking lot and the installation of a 10-foot high privacy fence.

Principal Planner Dan Olson went through the staff report dated February 28, 2020. He stated J&S Recovery and Towing is proposing to establish a vehicle tow facility and storage yard at 110 Industrial Dr. He advised the zoning is "HI" Heavy Industrial and vehicle tow facilities and storage yards are designated as a special use in that zoning district. Mr. Olson noted the UDO requires storage yards to have their activities within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height.

Mr. Olson stated the applicant submitted a site plan showing the proposed vehicle storage area, which will be mainly south of the existing building. He advised parking will be provided for five vehicles in front of the building, including a handicap space. A total of four parking spaces are required per the UDO based on the number of employees on the maximum shift. The parking spaces will have to be striped and a handicap space added with appropriate signage prior to final occupancy of the towing operation.

Mr. Olson noted the City approval of a special use permit in 2015 for a vehicle tow and storage yard located at 1888 State Street, which included several conditions. He also noted the past special use permit for Lovett's Towing at along E. Lincoln Highway. He stated the conditions included those special uses included no stacking of vehicles, no crushing of vehicles, no storage of vehicles used in operation of the business being parked outside the fenced area, and several other conditions. Mr. Olson advised the Commission staff is recommending the petitioner be required to operate under the same conditions.

Mr. Olson advised the subject site has been zoned Heavy Industrial for decades and there are several other motor vehicle related commercial and industrial businesses along Industrial Drive. He noted the nearest residential property is approximately 270 feet away, along the north side of East Lincoln Hwy.

Mr. Olson advised a Citizen Response Form was received from the current property owner, Stephanie Hankes of 383 Quinlan Ave, indicating her support for petition.

Vice Chair Doe then invited attendees in the audience to speak.

Shannon Lovett, of 1837 East Lincoln Hwy (Lovett's Towing) questioned whether the setback for the proposed fence was within regulations. Mr. Olson advised the proposed 10-foot fence can extend to the front yard for this type of

use and there are no setback requirements currently. Mr. Lovett advised his business was required to have a 10-foot setback for a fence from property lines when his petition was approved in 1990. Mr. Olson reiterated there are no current fence setback requirements for the screening of a towing storage yard.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mr. Wright questioned why the petitioner decided to establish a tow company in DeKalb. Mr. Roscelli stated he worked for another tow company in the City and understands the demand for towing services in DeKalb. Mr. Wright inquired what the size of the proposed lot would be. Mr. Bjornson advised the lot is 100 feet by 175 feet.

Mr. Becker questioned whether the business would also be involved in vehicle or vehicle part sales. Mr. Roscelli advised the business would not be involved in vehicle or vehicle part sales.

Vice Chair Doe inquired where the dumpster will be located on the property. Mr. Roscelli said it would be in the fenced in area. Vice Chair Doe asked what happens to a vehicle if it has been stored on the property longer than 90 days. Mr. Bjornson advised the Commission of a state statute that allows a vehicle tow facility to take ownership of a stored vehicle if the owner of the vehicle does not retrieve it within 15 days of being notified that the tow facility is current in possession of the vehicle.

City Attorney Matthew Rose questioned what security measures will be taken around the exterior of the property. Mr. Roscelli advised there will be high definition security cameras throughout the property, as well as multiple flood lights.

Mr. Becker questioned if they will be doing any repossession of vehicles. Mr. Bjornson stated they will not.

Vice Chair Doe gave the public one more opportunity to speak. There was none.

Mr. Becker moved the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a vehicle tow facility and storage yard located at 110 Industrial Dr. per the site plan received on 2-25-20 and labeled as Exhibit A and per the conditions listed in Exhibit B.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O’Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.

2. **Public Hearing** – Petition by 2411 Sycamore LLC for approval of a special use permit for a drive-through restaurant with an outdoor seating area and approval of a Final Plan for a proposed Raising Cane’s Chicken Fingers Restaurant to be located at 2411 Sycamore Rd.

Jeff Gould, of ADA Architects, advised his client, 2411 Sycamore LLC, is proposing the construction of a new Raising Canes Chicken Fingers restaurant to be located at 2441 Sycamore Road. He advised plans to demolish the current Applebee’s building and rebuild Raising Canes at the same location. He advised the access points and parking lot will be similar to the current Applebee’s site, with the addition of a two-lane drive through.

Mr. Gould advised the building will be approximately 3357 square feet and will be able to seat 121 customers, with 26 of the seats being in the outdoor area. He noted some of the current landscaping will be removed and replaced.

Mr. Gould noted the petitioner has requested a waiver to the current parking requirements. He advised based off the current UDO regulations, 76 parking spaces are required, and the petitioner is proposing 46 parking spaces. He stated their waiver request is based off data collected from several other Raising Canes sites that are similar to the proposed site in DeKalb. He advised the DeKalb site will have more parking than any of the other nearby (Batavia and Naperville) and comparable Raising Cane sites.

Mr. Gould advised the main entrance would be from the north and the drive-through pick up area would be facing Sycamore Road. He noted the exterior finish of the building would be typical of other Raising Cane’s buildings.

Principal Planner Dan Olson went through the staff report dates February 28, 2020. Mr. Olson advised Raising Cane’s Chicken Fingers is a fast-food restaurant chain specializing in chicken fingers that is based out of Baton Rouge, Louisiana. He noted the company has approximately 450 restaurants in 27 states, with approximately 10 locations in the Chicago area.

Mr. Olson mentioned the Applebee’s on the site has been closed since June 2018 and has remained vacant. He stated this lot is in the Oakland Place Planned Development, which requires a Final Plan to be approved by the Commission and City Council prior to issuance of any building permit.

Mr. Olson noted there will be access points to the northeast, northwest, and southwest portions of the site, but there will be some access restrictions due to the drive-through. He advised the drive-through will have two lanes for ordering

and will narrow down to one lane at the pick-up window. He noted the UDO requires five stacking spaces for drive-throughs and the proposed layout will accommodate the required stacking without interfering with the non-drive through traffic.

Mr. Olson stated there is a cross access agreement with the shopping center to the west that allows for parking within the shopping center. He reiterated the petitioner is requesting a waiver to the parking requirements. He advised the applicant provided a traffic and parking analysis, which indicated the parking demand at a comparable Raising Cane's location in Oak Lawn showed a peak demand of 26 parking spaces, even though the restaurant had 41 spaces. He also noted parking data was also provided by the petitioner for their Batavia and Naperville locations, which show there is enough parking for the subject site.

Vice Chair Doe then invited attendees in the audience to speak. There were none.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mr. Becker questioned what the expected completion date for the project would be. Jason Cooper, of 1001 Warrenville Road in Lisle, advised the intent is to open the restaurant by the end of 2020.

Mr. Klein stated his concern for the amount of parking. He stated if half of the 121 potential seats were filled by customers, 46 parking spots wouldn't be enough. Mr. Cooper advised they studied peak lunch hours and evening hours at several of their other locations in the Chicago area. He noted during peak hours, only 26 parking spots were occupied. Mr. Cooper reiterated the cross-parking agreement throughout the shopping center. Mr. Cooper noted there would have to be approximately 20 vehicles stacked in the drive-through before it effected parking on the site.

Mr. Klein questioned how many employees would be on site at peak hours. Mr. Cooper advised the maximum would be 15, but on average it would be closer to 8 employees.

Mr. Wright questioned if there was any use for the existing Applebee's building. Mr. Cooper advised Raising Canes prefers a clean slate with clean facilities, a new building, and to have their brand on the building itself.

Vice Chair Doe questioned where the overflow would go if there were 20 vehicles stack in the drive-through. Mr. Cooper advised they conducted a traffic study and the maximum queue was approximately 9 vehicles. Vice

Chair Doe also questioned what signage would be included in the plans to prevent customers from accessing the parking lot from the wrong direction. Mr. Cooper stated there will be two do not enter signs on each side of the access point. He noted the parking lot will also be 28 ft wide on each side of the building, giving more than enough room in case someone accidentally enters the lot from the wrong direction.

Vice Chair Doe questioned why they specifically chose this site for the project and what the operating hours would be. Mr. Cooper stated he did not know the exact reason for this site location, but the real estate team does intensive studies and surveys before choosing a site. He also noted typical operating hours would be 10:00AM to 11:00PM. Vice Chair Doe noted she would prefer another wall sign on the south elevation so there is visibility of the restaurant from traffic going north along Sycamore Road.

Vice Chair Doe gave the public one more opportunity to speak. There was none.

Mr. Klein moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a drive-through and outdoor eating area and approval of a Final Plan for a Raising Cane's Chicken Fingers Restaurant to be located at 2411 Sycamore Road, per the Final Plan dated 1-24-20 and Exterior Elevations dated 2-11-20 labeled as Exhibit A and per the conditions listed in Exhibit B being addressed per City Staff's satisfaction prior to final City Council action.

Mr. Wright Seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O'Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.

3. **Public Hearing** – Petition by the City of DeKalb for text amendments to Article 13 "Signs" and Article 18 "Appeals and Variances" of the Unified Development Ordinance.

Mr. Olson advised a preliminary discussion with the Planning and Zoning Commission regarding sign regulations occurred on December 5, 2018. He stated the City Council had a follow-up discussion on March 25, 2019 during a Committee of the Whole meeting. Mr. Olson advised the review of the City's sign code was prompted by the need to bring the codes in line with a Supreme Court ruling (Reed v. Town of Gilbert, 2015) that held content-based sign restrictions were unconstitutional. He added on February 10, 2020 the City Council Committee of the Whole discussed the proposed amendments that are included in the Commission's packet. He said the Council agreed with the

proposed changes and there was a consensus to forward the amendments to the Planning and Zoning Commission and conduct a public hearing.

Mr. Olson advised staff prepared the amendments based upon the Supreme Court case, experiences administering DeKalb's sign code, and reviewing other communities' ordinances. He noted the proposed amendments will make the sign regulations easier to understand, promote economic development, and become more business friendly while still ensuring public safety and maintaining aesthetic standards.

Mr. Olson stated the amendments will make regulations content neutral, so they are in line with the Supreme Court ruling. He advised it will also increase the allowable wall signage size from one times the frontage of a building/tenant space to one and a half times the frontage. He noted this will allow increased visibility for businesses that may be substantially setback from a roadway.

Mr. Olson advised electronic changeable copy signs are currently prohibited, except with the approval of a special use permit. He stated staff is proposing electronic changeable copy signs be removed from the prohibited sign list and allowed with a sign permit within all zoning districts except "CBD" Central Business District and any residential zoning district with certain conditions being met. He noted one of the conditions would include a display time minimum on changing messages of no longer than 5 seconds. He advised staff looked at other communities, which had minimum display times ranging from 2 to 10 seconds. Mr. Olson stated the amendment would also prevent electronic changeable copy signs from taking up more than 50% of the sign or 40 square feet, whichever is less. He noted there would be other operational standards added to include limits on how messages can change, light intensity, and advertising restrictions.

Mr. Olson mentioned the current temporary signs regulations require permits from the City prior to display. He noted the maximum size allowed is 40 square feet per sign and a limit of 14 days per permit, and six permits per year. He stated staff is proposing temporary non-commercial ground or wall signs not exceeding 16 feet in residentially zoned properties and 40 square feet in commercial/industrial zoned properties be exempt from a sign permit as long as they meet size, height and display standards. He advised these signs would not be displayed for more than 90 days in a calendar year and be removed no more than 7 days after the event they are advertising. Mr. Olson noted temporary commercial signs would still require a permit and be restricted to being located only on the property the business is located. He stated the number of days the signs can be displayed will be increased from 84 to 90 days and the restriction of requiring a new permit every 14 days would be removed. Mr. Olson advised the amendment would also clarify the calculation of area for signs, as make the window signage regulations consistent.

Mr. Olson noted staff is proposing variances for signs be allowed to be applied for and would be reviewed under the current variance procedures in Article 18 of the UDO in lieu of a special use permit or planned development ordinance. He stated in conjunction with this amendment, staff is proposing to add language to Article 18 “Variances” by allowing applicants to vary sign height, size, and location. He noted, per the UDO, a public hearing in front of the Planning and Zoning Commission is required for any variance with final determination laying with the Commission.

Vice Chair Doe then invited attendees in the audience to speak. There were none.

Vice Chair Doe gave the Commission members the opportunity to speak.

Mrs. O’Flaherty had concerns with sign regulations that have been addressed with the proposed amendments. She stated she appreciates the clarification throughout the report and proposed amendments.

Mr. Becker stated he believes signs can be overwhelming and unsightly. He noted, however, his appreciation for the consistency, clarity, and ease of access the proposed amendments add.

Vice Chair Doe gave the public one more opportunity to speak. There was none.

Mrs. O’Flaherty moved that the Planning and Zoning Commission recommend to the City Council approval of amendments to Article 13 “Signs” and Article 18 “Appeals and Variances” of the Unified Development Ordinance per Exhibit A in the staff report.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Mr. Wright – yes, Ms. O’Flaherty – yes, Vice Chair Doe – yes. Motion was passed 5-0-2. Ms. Buckley and Chair Maxwell were absent.

F. REPORTS

Mr. Olson advised the next Commission meeting on March 18, 2020 would be cancelled, as no hearings have been scheduled. He noted Planning and Zoning Commission meetings will continue to be held at City Hall at least through April. He stated during the last City Council Meeting, the special use permit for the Verizon antenna co-location at 1500 S 7th St was approved.

G. ADJOURNMENT

Ms. O'Flaherty motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission adjourned at 7:23PM.