

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
April 22, 2020

The Planning and Zoning Commission held a Meeting on April 22, 2020, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:00 PM.

Chair Maxwell stated he wanted to thank everyone for being here tonight, including Commission members who are attending remotely and for those who are watching on Channel 14 or streaming live. He referenced the Governor's Executive Order in March that allows Commission members to participate remotely. He said member Chris Doe will be joining the meeting remotely by calling in and mentioned for those attending the meeting the 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: Chair Max Maxwell, Steve Becker, Ron Klein, Jerry Wright and Trixy O'Flaherty. Vice Chair Christina Doe attended the meeting remotely by an audio conference call. Commissioner Vicki Buckley was absent. Principal Planner Dan Olson was present representing the City. Attorney Matthew Rose and City Engineer Zac Gill attended the meeting remotely by an audio conference call and were representing the City also.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the April 22, 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. April 8, 2020 – Chair Maxwell requested a motion to approve the April 8, 2020 minutes as presented. Ms. O'Flaherty motioned to approve the minutes as presented. Mr. Wright 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. Continued Public Hearing** – Petition by Ventus Tech Services LLC for the approval of the rezoning, preliminary and final development plans, and subdivision plat for a data center approximately 505 acres of property generally located east of Route 23 and south of Gurler Road.

Principal Planner Dan Olson noted Attorney Karl Camillucci was present representing Project Ventus. He advised Project Ventus Engineer Matt Fillmore was present via audio conference call as well as City Engineer Zac Gill, and City Attorney Matthew Rose.

Mr. Olson went through the staff report dated April 17, 2020. He noted another public hearing notice was sent out to property owners within 250 ft of the site due to the continuation of the hearing and the addition of a more detailed engineering plans being submitted. He noted the revised plans were more in line with the current Unified Development Ordinance “UDO” requirements for preliminary and final development plans.

Mr. Olson advised the petitioner is requesting approval of the annexation and rezoning of approximately 505 acres of property generally located east of Route 23 and south of Gurler Road to accommodate a data center in an approximately 970,000 sq. ft. facility with an option to expand. He noted the request would change the zoning of the subject site from the “SFR1” Single-Family Residential District to the “PD-I” Planned Development Industrial District. He stated the petitioner also seeks approval of a Preliminary and Final Development Plan and Plat of Subdivision, which are part of the petition, along with the approval of associated development standards for the subject site.

Mr. Olson advised on March 9, 2020 the DeKalb City Council unanimously approved a Pre-Development Agreement with the petitioner, which established the City’s intent to appropriately annex and rezone the subject site. He noted the agreement also established the intent to extend financial incentives including a property tax abatement program through the DeKalb County Enterprise Zone program that is tied to job creation and retention goals, minimum square footage goals, and project wage levels. He stated in order to accommodate the incentives, the City Council approved an extension to the DeKalb County Enterprise Zone map on January 13, 2020 to include the subject property, and include new property tax incentives for high impact knowledge-based companies or data centers with a minimum of \$800 million of investment and a minimum of 900,000 square feet of development area. He said on April 2, 2020 the DeKalb County Enterprise Zone approved a Memorandum of Understanding to deliver these benefits to the petitioner within the reciprocal obligations defined by the Enterprise Zone program.

Finally, Mr. Olson noted on April 13, 2020 the City Council approved on first reading the Annexation and Development Agreement with Ventus Tech

Services, LLC for the data center. He noted the second reading is scheduled to occur at the April 27, 2020 City Council meeting.

Mr. Olson also stated there will be a public hearing and action by the City Council on the April 27th meeting to approve the vacation of Crego Road between Gurler Road and the southern boundary of the site. Mr. Olson advised after the approval of the annexation, mass grading on the subject site is scheduled to start in early May.

Mr. Olson said the petitioner is proposing an initial investment of more than \$800 million to construct the data center facility, with the option to expand in additional phases. He noted the skilled workforce will consist of high wage technology professionals and would include a minimum of 40 high paying jobs.

Mr. Olson mentioned the proposed rezoning request and plan approval will generate new business opportunities and support existing commerce in the surrounding area, while increasing property values and other development opportunities. He noted over the next 20 years the proposed data center is projected to yield tax revenue for the participating taxing bodies, even with the tax abatements, that is comparable to the five largest existing industrial companies in the City, combined.

Mr. Olson described the main access to the site will be provided by Peace Road at Gurler Road, which will have strict security measures. He stated there will also be access along Gurler Road, Crego Road, and other possible locations on the proposed site as it is developed. He noted there will be an electrical substation to the southwest of the building as well. He stated the vacation of Crego Road is vital and necessary for the data centers security. He advised a new north-south road from Gurler Road to Keslinger Road will be constructed just to the east of the data center site, which will include two 12' wide driving lanes.

Mr. Olson noted the initial building plan covers approximately 970,000 sq. ft., which will also include the parking and landscaped areas for the project. He advised the majority of the proposed building will be 54 feet in height and just under 57 at the highest point. The maximum height in the Light Industrial and Heavy Industrial Districts is 75 feet.

Mr. Olson advised the landscaping around the perimeter of the initial phase of development will meet the UDO requirements. He noted the plan has landscaping along Route 23, which exceeds the UDO requirements by 30 trees and will include a 20-foot berm to match what is proposed for the Chicago West Business Center to the north.

Mr. Olson advised the recommended setback along Route 23 was increased from 150 feet to 400 feet since the initial draft of the development standards.

The 400-foot setback will be consistent with the Chicago West Building Center to the north. He stated a Plat of Subdivision was submitted indicating the creation of one lot for the entire site. He advised the plat includes the dedication of 50 feet of right-of-way along Gurler Road for roadway improvements and the establishment of a 20-foot easement along Route 23 for the Kishwaukee Water Reclamation District to extend a future sanitary sewer line.

Mr. Olson advised the petitioner requested the construction of additional buildings and improvements be allowed without further zoning review or public hearings if approved by the City Manager. He stated the existing T-intersection at Peace Road and Gurler Road will be reconstructed and made into a roundabout, capable of accommodating year-round truck traffic. He noted there will be intersection traffic control improvements at both ends of Gurler Road adjacent to the project site. He stated the vacation of Crego Road between Gurler Road and the development of a new north-south roadway will be funded from the State's 2019 Capital Projects Fund. Mr. Olson noted a watermain will be extended to the site, with two 16" water connections being proposed to extend into the subject site during the initial phase. He added a separate water agreement will be provided in the annexation and development agreement, which will ensure an adequate and reliable water supply is provided to the development.

Mr. Olson advised several public comments were received. He stated an email was received from Joseph Gormley, who represents 240 acres of property south of the site. He noted Mr. Gormley had concerns about future access to the property, the vacation of Crego Road, and the value of the property. Mr. Olson discussed the addition of the new north-south roadway, as well as the extension of utilities and upgraded roadways, which will increase the value of adjacent parcels for future development.

Mr. Olson noted since the April 8<sup>th</sup> Planning and Zoning Commission meeting, the City has received written correspondence from Michael Hammett representing about 120 acres on Crego Road, south of Keslinger Road (1.1 miles from the Ventus site). He advised City staff spoke to Mr. Hammett and he indicated support for the data center, however, had concerns regarding the timing of the vacation of Crego Road in relation to the construction of the new road east of the site. Mr. Olson noted he advised Mr. Hammett of the need for the data center to have Crego Road vacated after the annexation. In addition, Mr. Olson stated to Mr. Hammett there are alternate routes (Rt. 23 and Lynch Road), one can take to get to Gurler Road/Peace Road and I-88.

Mr. Olson advised the City also received a resolution from the DeKalb County Economic Corporation (DCEDC) dated April 10, 2020 indicating their full support for the proposal. He stated the resolution notes, in part, the data center will generate significant economic benefits to the Dekalb County economy in the form of investment, construction, new tax revenue and job creation.

Mr. Olson noted a response form was received from Gerald and Kaye Kempson along Crego Road, stating their concern over the vacation of Crego Road. They were advised the portion of Crego Road adjoining their property will still be accessible.

Mr. Olson advised a letter was received from John and Marlen Norris of 350 Gurler Road, stating their concern for drainage issues along Route 23 and Gurler Road. Mr. Olson stated they were advised both Ferrara Candy Co. and Project Ventus have stormwater management systems that should help improve drainage issues in the area.

Mr. Olson described an email was received from Jamie Walter, CEO of Whiskey Acres Distillery located along Keslinger Road, stating their support for the project and the importance of a new road just east of the site with the vacation of Crego Road.

Finally, Mr. Olson advised letters of support were received from Northern Illinois University, Paul Callighan of 1512 Crayton Circle East, and Jerry Wahlstrom and Sue Elsner of Century 21 Real Estate and were entered into the record.

Mr. Olson stated the proposed data center will be a transformative development that will impact generations of DeKalb County residents. He advised the project will generate new business opportunities and support existing commerce in the surrounding area, while spurring increased property values and other development opportunities. He stated, in addition, the data center will generate significant benefits to the Dekalb County economy in the form of investment, construction, new tax revenue and job creation and staff strongly recommends approval of the project.

Chair Maxwell gave the public an opportunity to speak. He advised several speaker request forms were received, and he would call each participant in the order the forms were received.

Randy Bourdages, of 10315 Keslinger Road, representing Afton Township stated his support for the project. He wanted to thank City staff and City Manager Bill Nicklas for making this project possible. He advised some Township residents had concerns of illegal dumping on and around Crego Road, and he would work with the Township to avoid such issues in the future.

Cohen Barnes, of 234 Greenwood North, representing DCEDC stated he fully supports the project. He advised both Project Ventus and Ferrara are transformative projects that will be a great benefit to DeKalb.

Matt Swanson, president of DeKalb County Building Trades and Laborer's Local 32, stated his organization's full support the project. He stated the data center will be a great benefit to DeKalb and surrounding communities.

Lance McGill, of 3715 Pebble Beach Ct., business representative for the Illinois Union of Operating Engineers Local 150 stated his support for the project. He said he is extremely excited to see the work going on, as well as the berm that will be constructed along Rt. 23.

Chair Maxwell gave the Commissioners a chance to speak.

Mr. Becker stated he believed this is a wonderful project for the community. Ms. O'Flaherty agreed.

Mr. Klein advised he fully supports the project, but always has a concern when large amounts of farmland are developed. He stated he would like to see preservation of some farmland in the community. He also had concerns regarding large farm equipment having access on the new north-south road.

Chair Maxwell stated he believes this will be a transformative project for DeKalb and thanked everyone who came to give their thoughts on the proposal.

Mrs. O'Flaherty moved that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Zoning Map Amendment, upon annexation, from the "SFR1" Single-Family Residential District to the "PD-I" Planned Development Industrial District and approval of a Preliminary and Final Development Plan and Subdivision Plat as listed in the revised Exhibit A for an approximately 505 acre property generally located east of State Rt. 23 and south of Gurler Road for a data center and accessory uses and subject to the development standards listed in the revised Exhibit B as stated in the staff report and provided to the Commission.

Mr. Wright seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Ms. Doe – yes, Ms. O'Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 6-0-1. Ms. Buckley was absent.

2. **Public Hearing** – A petition by the City of DeKalb to add a definition for "data center" and to add it as a permitted use in the "ORI", "LI", and "HI" Zoning Districts and to remove the requirement that only certain specific uses may be allowed in the "PD-C" and "PD-I" Zoning Districts and to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size.

Principal Planner Dan Olson went over the Staff Report dated April 17, 2020. He advised the City of DeKalb proposes text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to amend several articles of the UDO which are related, in part, to the Project Ventus development. He noted the term “data center” does not appear anywhere in the UDO. He stated an amendment is proposed to add “data center” as a definition and to add it as a permitted use in the Industrial Zoning Districts. He advised a proposed amendment is requested to remove the requirement that only certain specific uses be allowed in the “PD-C” and “PD-I” Districts and an amendment is proposed to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size.

Mr. Olson advised the definition for “data center” was added to Article 3 of the UDO based on the definition provided by applicants of Project Ventus. He advised “data center” was added as a permitted use to the “ORI”, “LI”, and “HI” districts in Article 5. He noted the current language states a development in the PD-I District may only include those uses listed as permitted or special in the “ORI”, “LI” and “HI” Districts. He advised since “data center” is not specifically mentioned in those three zoning districts, an amendment is proposed to remove the word “only”. He stated the change will also be beneficial for future developments to allow for more flexibility of uses to be included in Planned Developments, which often include a mix of uses. He noted the changes are also proposed for the PD-C District.

Mr. Olson advised the request also proposes that all amendments, changes, or revisions to the final plan and plat of a subdivision for any planned development located on parcels of property under common ownership which are at least 500 acres in size, shall constitute minor change and may be authorized by the City Manager or Community Development Director without additional public hearings. He noted the proposed language further states the authorization is contingent upon said amendments, changes, or revisions conforming to the conditions and development standards established in the Ordinance adopted by the City Council governing the planned development.

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

Mr. Becker moved that the Planning and Zoning Commission recommend to the City Council approval of City of DeKalb initiated text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to add a definition for “data center” and to add it as a permitted use in the “ORI”, “LI”, and “HI” Zoning Districts and to remove the requirement that only certain specific uses be allowed in the “PD-C” and “PD-I” Zoning Districts and to provide for a process for approval of minor changes to the final plan and plat of subdivision for planned developments over a certain size as indicated on the attached Exhibit A of the staff report.

Mr. Klein seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – yes, Ms. Doe – yes, Ms. O’Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 6-0-1. Ms. Buckley was absent.

3. **Public Hearing** – A petition by NuMed Partners LLC for approval of a special use permit for a “Cannabis Business Establishment” in order to locate an adult use and medical cannabis dispensary at 818 W. Lincoln Hwy.

Jim Hughes, representing Next Generation Development and in partnership with NuMed Partners LLC, stated they are proposing an adult use and medical cannabis dispensary at 818 W Lincoln Hwy. He stated the proposed location was perfect, as it is close to downtown, Northern Illinois University, and has plenty of parking.

Robert Fitzsimmons, representing NuMed Partners LLC, advised he runs a series of companies that are invested primarily in medical marijuana. He stated they will have 6 stores by the end of the year in Illinois and are applying for 36 more locations. He advised they have locations in Peoria, Chicago, and Urbana. He noted they have special programs that mitigate the effect on communities. He stated 75% of orders are done online and they are highly invested in security at their locations. Mr. Fitzsimmons also noted they are strong on the “social equity” program of the cannabis regulations.

Principal Planner Dan Olson went through the staff report dated April 17, 2020. He noted the location is a 6,600 sq. ft. tenant space in The Junction Shopping Center. He advised the tenant space is located in the corner of the shopping center building and was the former location of Book World. He stated the subject site is zoned “LC” Light Commercial District and a “Cannabis Business Establishment” is a special use in that district. He noted “Cannabis Business Establishment” is defined in the UDO as “an adult-use cannabis dispensing organization and a medical cannabis dispensing organization.”

Mr. Olson advised a floor plan indicating the layout of the facility has also been provided. He noted the floor plan and security measures have been forwarded to the Police Department for an initial review. He stated as a condition of approval, staff is recommending a security plan be approved between the Police Department and applicant prior to final occupancy of the tenant space.

Mr. Olson noted there are several requirements in the UDO for “Cannabis Business Establishments”, including setbacks to schools, day care facilities and residential areas. He advised a “Cannabis Business Establishment” cannot be located within 250 feet of the property line of a property zoned or used primarily for residential purposes that contains residential dwelling units. He noted the nearest residential property is an apartment complex to the west and

about 315 feet from the proposed tenant space. Mr. Olson advised a “Cannabis Business Establishment” cannot be located within 250 feet of the property line of a nursery school, preschool, primary or secondary school, day care center, daycare home, residential home and an academic building or residence hall of a State University. He advised none of these mentioned uses are within 250 feet of the proposed tenant space.

Mr. Olson stated the parking requirement for cannabis dispensaries in the UDO is the same requirement applicable to “Commercial Service Facility and Retail Sales” uses, which is one parking space per 250 sq. ft. of floor area. He advised they are required to have 167 parking spaces and there is a total of 170 parking spaces provided in the shopping center excluding the lot for Pizza Villa.

Mr. Olson advised on November 25, 2019 the City approved an Ordinance granting the zoning for a medical cannabis dispensary for BQ Enterprises at 700 Peace Road. He noted the State has separate licensing requirements and limits on the number of facilities, however, the Commission’s focus for this request should be on the standards for a special use found in the UDO. The UDO does have a limit of five special use permits for adult use cannabis dispensaries in the City. He stated the City is recommending the applicant obtain a state-issued adult-use and medical cannabis dispensary license for the subject site within one year of approval of the ordinance granting the special use permit.

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

Chair Maxwell gave the Commission an opportunity to speak.

Mr. Wright questioned if NuMed’s other locations are the same size as the proposed location. Mr. Fitzsimmons stated his facilities range in size, with the Chicago location under-sized, at 3,300 sq. ft. He advised Peoria has 8,000 sq. ft. and Urbana is a 7,700 sq. ft. space.

Mr. Wright questioned if the existing customer base in DeKalb will support his business. Mr. Fitzsimmons advised most of his customers are professional workers, due to the price of the product. He stated DeKalb has a large professional workforce, including NIU employees, that will provide a strong customer base.

Mr. Wright questioned what security measures will be taken. Mr. Fitzsimmons stated the proximity to the police department is extremely beneficial. He advised they haven’t had any security issues with any of their other sites and will work with the police department as much as possible and have provided a security plan to them.

Mr. Becker asked what percent of sales are expected to be recreational. Mr. Fitzsimmons advised he is expecting approximately a 50-50 split between recreational and medical. Mr. Becker questioned how he conducts online ordering. Mr. Fitzsimmons advised the customer must upload a picture of their ID during their purchase and must present the same ID when picking up their product.

Mr. Klein referenced an article (Health Dept. in Northern Illinois) about a study on smoking cannabis. He stated it can impair short term memory, learning intelligence, and that the brain is still developing until the age of 25. He questioned whether Mr. Fitzsimmons agrees with those findings. Mr. Fitzsimmons stated he does agree and would prefer the legal age of use was 25. He stated they have led various studies and programs to promote the positive and safe use of cannabis.

Ms. Doe questioned what the hours of operation would be. Mr. Fitzsimmons stated the state regulates business hours and they typically run 10AM to 6PM. Ms. Doe asked what their plans are regarding excessive customer lines, as seen at other adult-use marijuana facilities. Mr. Fitzsimmons advised they primarily conduct business electronically and inform their customers as such and haven't had problems with long lines at their other locations.

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

Ms. O'Flaherty 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 "Cannabis Business Establishment" - Adult Use and Medical Cannabis Dispensary for the property located at 818 W. Lincoln Highway in the tenant space as shown on Exhibit A and subject to the conditions listed in Exhibit B of the staff report.

Mr. Becker seconded the motion.

A roll call vote was taken. Mr. Becker – yes, Mr. Klein – no, Ms. Doe – yes, Ms. O'Flaherty – yes, Mr. Wright – yes, Chair Maxwell – yes. Motion was passed 5-1-1. Ms. Buckley was absent.

## F. REPORTS

Mr. Olson advised there are no public hearings scheduled for the May 6, 2020 Commission meeting, so it will most likely be cancelled. He noted the City Council approved the second reading of the J&S Tri-State towing facility special use at their April 13<sup>th</sup> meeting.

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 adjourned at 7:25PM.