

**MINUTES  
CITY OF DEKALB  
PLANNING AND ZONING COMMISSION  
May 8, 2019**

The Planning and Zoning Commission held a Meeting on May 8, 2019, at the City of DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. Chair Christina Doe called the meeting order at 6:01 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, David Castro, Ron Klein and Max Maxwell. Commissioner Jerry Wright was absent.

City staff present were 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 May 8, 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**

March 20, 2019 – Mr. Klein motioned to approve the minutes, Mr. Maxwell 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 by the DeKalb Park District represented by Mat Emken for approval of an amendment to Ordinance No. 98-75 to accommodate a new landscape plan along South 4<sup>th</sup> Street for the DeKalb Park District Sports and Recreation Center located at 1765 South 4<sup>th</sup> Street.

Mat Emken, Superintendent of Parks and Development for the DeKalb Park District, stated they would like to amend Ordinance No. 98-75 to allow for an updated landscaping and berm plan for the Sports and Recreation Center located at 1765 South 4<sup>th</sup> Street.

Matt noted Ordinance No. 98-75 required the District to plant one deciduous tree, one evergreen tree, and four shrubs for every 50 feet of frontage along the yard along South 4<sup>th</sup> Street. He stated the current landscaping has not become very welcoming or particularly striking and has become a maintenance issue for the District and a visibility problem for motorists. Mr. Emken added the berm will be reduced from six feet to 18 inches and set back five feet from the sidewalk.

Principal Planner Olson went over the staff report dated May 3, 2019, and stated the Ordinance required a six-foot high berm to be established in the buffer yard along South 4<sup>th</sup> Street that would ensure for a well-screened facility from the single-family homes across South 4<sup>th</sup> Street. He stated the construction of the berm and installation has caused maintenance issues because of the extreme slope of the berm, and the District has received multiple complaints over the years from residents indicating it's an eyesore and causes visibility issues.

Chair Doe opened up the hearing to public comment. There was none.

Ms. Barbe stated she would like to see something done about the landscaping and that her children have participated in activities at the Recreation Center. Mr. Klein stated he agreed work should be done on the berm and landscaping and likes the new plan.

Mr. Castro asked Mr. Emken if this proposal has already been approved by the DeKalb Park District Board. Mr. Emken affirmed that it had. Mr. Castro asked about the screening intent with the original plan compared to the new plan. Mr. Emken stated the proposed landscaping and berm will still offer adequate screening.

Ms. Buckley, Mr. Maxwell, and Chair Doe stated they believe the proposed amendment and new plan will be an improvement to the appearance of the berm and landscaping.

Chair Doe gave the public one more opportunity to speak. There was none. Chair Doe closed the public hearing. Chair Doe asked if the Commissioners had any more questions or comments.

Mr. Maxwell made a motion to recommend to the City Council approval of an amendment to Ordinance No. 98-75 to approve a new landscape plan along South 4<sup>th</sup> Street for the DeKalb Park District Sports and Recreation Center located at 1765 South 4<sup>th</sup> Street per the Landscape Plan (Sheet L1.0) dated 4-19-19 prepared by Upland Design, LTD and labeled as Exhibit A in the staff report. Seconded by Ms. Buckley.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Wright was absent.

2. **Public Hearing** – Petition by MT Nest, LLC represented by Thomas Schmidt, Owner, for a special use permit in the “CBD” Central Business District for an outdoor patio/deck for the property located at 241 and 249 East Lincoln Highway (Hometown Sports Bar and Grill).

Tom Schmidt of 353 Landstone Drive, Batavia, stated he is the owner of Hometown Sports Bar and Grill. He mentioned the petition is to build a patio/deck for the property he is expanding the bar into and he explained where the patio will be and how it will be related to the operation of the business.

Principal Planner Olson went over the staff report dated May 3, 2019. He stated the sports bar had been approved for a preliminary development incentive agreement by the City Council in December 2018, which was related to the proposed redevelopment of their property. He said the City Council approved a final tax increment financing incentive agreement in March 2019 to allow for the expansion. Principal Planner Olson continued by mentioning a special use permit is required for an outdoor patio/deck. He stated the current Hometown Sports Bar and Grill is approximately 2,800 square feet and the expansion into 249 East Lincoln Highway is approximately 2,068 square feet, resulting in a combined space of 4,868 square feet. He said the proposed patio/deck will be elevated and will be approximately 500 square feet in area and proposed to be at the rear of the building at 249 East Lincoln Highway. The patio/deck will include tables and chairs as well as areas to stand for patrons and will accommodate approximately 25 people. Principal Planner Olson said there will be one door leading from the restaurant/bar to the patio/deck and will stay open to match the hours allowed for the bar, per the City’s liquor regulations.

Principal Planner Olson stated the proposed patio/deck will look out over Palmer Court and will face the south wall of the adjacent Debutantes School building, the wall of the Hometown Sports Bar to the west and the wall of Thai Pavilion to the east. He said there are no windows that will face the outdoor patio/deck and there are no apartment units that will be directly adjacent to the patio/deck. He also stated the outdoor seating areas serving alcohol must be fully enclosed by walls or fences constraining the movement of patrons with entrances monitored by the business owner. Principal Planner Olson said the plans submitted by the applicant show stairs leading down from the elevated patio/deck to Palmer Court. Principal Planner Olson noted a one-way gate with an “Exit Only” sign will be required at the top of the stairs so patrons will have to enter the restaurant/bar along East Lincoln Highway. He stated the proposed special use meets all standards of a special use in the UDO.

Chair Doe opened the hearing up to public comment.

Tom Rogers, owner of the adjacent Debutantes School building, stated he was in strong support of the project, believes the owner runs a good business and hopes to see it passed.

Mr. Maxwell asked about speaker systems that will be in the patio/deck area. Mr. Schmidt stated there will be a speaker system, however they will control it. Mr. Maxwell stated he was simply worried about it possibly echoing off the walls. Ms. Buckley stated she had no concerns with the proposal. Mr. Castro asked about the property immediately east of Hometown Sports Bar. Principal Planner Olson stated the property in question is where Mr. Schmidt is currently restoring and expanding into, and that it was not currently occupied. Mr. Castro asked about the building code and safety regulations, including the one set of stairs to get up to the patio/deck. Principal Planner Olson stated the “do not enter” gate will be for people leaving the premises and will not be able to be used to enter.

Ms. Buckley asked about the height of the railing around the patio/deck. Mr. Schmidt stated it would be about 42 inches. Principal Planner Olson clarified 42 inches is the minimum height in the building code for the railing.

Mr. Klein asked about when the patio would be open during the year. Mr. Schmidt stated currently it was planned for just the summer months, but he was interested in expanding it to three seasons if the patrons prefer. Ms. Barbe asked about customers exiting the patio/deck. Mr. Schmidt stated it would still be attended by waiters who would monitor as people come and go. Ms. Barbe asked if there was anything preventing patrons from entering through the patio/deck. Mr. Schmidt stated he will try to do his best in preventing people from entering that way.

Chair Doe stated she believes the outdoor patio is a great idea. Mr. Castro asked Mr. Schmidt if he was going to have security cameras. Mr. Schmidt stated he would have security cameras. Chair Doe asked about cars at the rear of the property off of Palmer Court. Mr. Schmidt responded it is used for a parking area and the area is part of his property.

Chair Doe gave the public one more opportunity to speak. There was none, and Chair Doe closed the public hearing.

Chair Doe asked if the Commissioners had any more questions or comments.

Mr. Klein made a motion to recommend to the City Council approval of a special use permit for an Outdoor/Patio Deck on the subject site located at 241 and 249 East Lincoln Highway as shown on the floor plan (Sheet A1) dated 2-20-19 prepared by LaPage Architects, LTD and as indicated on Exhibit A of the staff report. Seconded by Mr. Maxwell.

A roll call vote was taken. Ms. Barbe – yes, Ms. Buckley – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Maxwell – yes, Chair Doe – yes. Motion passes 6-0-1. Mr. Wright was absent.

3. **Public Hearing** – Petition by Kevin and Melissa Lovell for approval of a Zoning Map amendment from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and approval of a Planned Development Preliminary and Final Plan for a .53 acre site located at 424 East Lincoln Highway (Lovell’s Discount Tire) in order to expand the existing tire service to include full vehicle repair services. Consideration is also requested to approve waivers to the Unified Development Ordinance.

Richard Larson of 12285 Fairview Drive stated he is an attorney representing the Lovell’s. He mentioned the petitioners are requesting a Zoning Map Amendment from the “CBD” Central Business District to the “PD-C” Planned Development – Commercial District and an approval of a Planned Development Preliminary and Final Plan for the .54 acre site. Mr. Larson stated they are requesting waivers to the UDO for parking setbacks, landscaping requirements, maximum site coverage, and a Planned Development less than two acres. He stated the proposed work will enhance the appearance of the corner and the owners are ready to accommodate any reasonable requests from the City staff.

Principal Planner Olson went over the staff report dated May 3, 2019, and stated Lovell’s Discount Tire started in 1987 and the current building was constructed in 1998. He stated the “CBD” District currently has a few prohibitions, including “Vehicle Repair and/or Service Facilities.” Principal Planner Olson noted the petitioners would like to expand the services offered on the property, but services such as mechanical overhauling, paint and body work, or oil changes are currently prohibited. He stated the applicant desires to add services allowed under the definition for “Vehicle Service Facility,” which will include the existing tire service, oil changes, and minor repairs such as brake, muffler, exhaust and shocks services. He stated the existing business pre-dates the current UDO, so Lovell’s is considered a legal non-conforming use, and is subject to restrictions. Principal Planner Olson said restrictions will be placed on the site regarding where vehicle repair work can occur, limitations on inoperable vehicles, and not allowing outside storage or display of materials.

Principal Planner Olson noted the applicant applied for a similar request and was recommended for approval by the Commission in 2013, but the petition was withdrawn by the applicant prior to City Council consideration. He stated since then, the owner has acquired and demolished a small building and has continued to investigate costs for finalizing site improvements. Principal Planner Olson noted in July, 2018, the City Council approved a TIF agreement for planned improvements, including the complete resurfacing of the parking

lot, IDOT required improvements in the right-of-way of East Lincoln Highway and South 4<sup>th</sup> Street and the continuation of the streetscape along the frontage of the project. He added the agreement was contingent upon the applicant applying for and receiving PD-C zoning designation within six months of approval of the agreement. Principal Planner Olson said in January 2019, the City granted a six-month extension to July 23, 2019.

Principal Planner Olson stated the project involves resurfacing the entire parking lot and redesign it by adding additional parking spaces, landscaping, streetscape improvements, and installing a new ground sign. He said currently there are 19 parking spaces and the proposed improvements will increase it to 23 spaces. He said they also provided a landscape plan, which will provide more shade trees/shrubs along the East Lincoln Highway/South 4<sup>th</sup> Street frontage. Principal Planner Olson added the new parking spaces, except the handicap space, will meet the 10-foot setback requirement, and the existing parking spaces along the east property line will remain. Principal Planner Olson stated the applicant asked for a waiver to the UDO regarding parking setbacks, landscaping requirements, maximum site coverage, and a Planned Development less than two acres. Currently, the UDO requires parking spaces and access drives be a minimum of 10 feet from the property line (right-of-way) adjoining the public street. He stated a waiver is asked for the required landscaping in the setback areas along East Lincoln Highway and the east property line. He added there is not enough room to plant the required vegetation, thus a waiver is justified. Principal Planner Olson stated for "PD-C" zoned sites, the maximum site coverage allowed is 70 percent and the site coverage is about 95 percent. He stated a waiver is needed since the building and most of the parking lot is existing and currently exceeds the maximum site coverage allowed. He also noted the UDO requires Planned Developments be over two acres, but the subject site is .54 acres. Principal Planner Olson mentioned the City has waived this requirement in other recent projects, including Cornerstone, Plaza DeKalb, 1114 Blackhawk Road (Sigma Nu Fraternity) and Pizza Hut.

Principal Planner Olson went through the staff report and stated the proposed rezoning meets all standards of a rezoning as required in the UDO as well as the standards for a planned development. He noted as of May 3, 2019, the City has not received any public comment regarding the proposal.

Chair Doe opened the hearing up to public comment. There was none.

Mr. Maxwell encouraged the expansion of a local business. Ms. Buckley stated she thinks it will be a good improvement. Mr. Castro asked about the landscaping plan and width needed for the plantings along East Lincoln Highway. Principal Planner Olson clarified there was not enough room for certain landscaping in this area. Mr. Castro asked about the parking situation and expressed his concern about the closeness of the parking spots to the

exit/entrance along South 4<sup>th</sup> Street. Mr. Castro noted he had concerns about the full access on South 4<sup>th</sup> Street and the proximity to the intersection. Kevin Lovell stated there have not been issues with the parking and the South 4<sup>th</sup> Street exit/entrance that he is aware of and it has become better over the years. Mr. Lovell stated this was grandfathered in because of the existing business and IDOT had reviewed it and had no problems. Principal Planner Olson noted the access to South 4<sup>th</sup> Street has been discussed before and although not ideal, it has not caused a safety issue and IDOT did not object to it.

Ms. Buckley asked if the business was a “high-traffic business.” Mr. Lovell stated it will be the same volume, just more services offered. Mr. Klein noted this would be a great improvement and Mr. Lovell has a great business reputation. Ms. Barbe stated this is an intersection which she tries to avoid, but the proposed improvements will make it better. Mr. Castro stated the project is highly beneficial to the intersection and asked Principal Planner Olson if he felt it would be better. Principal Planner Olson responded because it’s an existing site, there is not much the City can do to remove all non-conformities but the proposed improvements will definitely improve the appearance of the business and the intersection.

Chair Doe stated she shares the same concerns but agreed this would be an improvement to the intersection. Chair Doe asked the City to investigate the two-lane merge on Lincoln Highway before the train tracks. Principal Planner Olson noted this was an IDOT issue and not the City.

Chair Doe gave the public one more opportunity to speak. There was none. Chair Doe closed the public hearing. Chair Doe asked if the Commissioners had any more questions or comments.

Ms. Barbe moved to recommend to the City Council approval of a Zoning Map Amendment from the “CBD” Central Business District to the “PD-C” Planned Development Commercial District and approval of a Planned Development Preliminary and Final Plan for the subject site located at 424 East Lincoln Highway in order to expand the existing legal non-conforming tire service to include uses allowed under “Vehicle Service Facility” as defined in the UDO, an indoor car wash operation and all permitted uses in the “CBD” Central Business District per the Planned Development Preliminary and Final Plans and Development Standards listed in Exhibit A in the staff report and subject to all staff comments being addressed prior to final City Council action as listed in Exhibit B in the staff report. Seconded by Mr. Maxwell.

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

F. REPORTS

Principal Planner Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, May 22<sup>nd</sup>, and there is one item for discussion scheduled. He also went over the approvals by the City Council on April 8<sup>th</sup> and 22<sup>nd</sup> of petitions that went through the Commission.

G. ADJOURNMENT

Ms. Barbe motioned to adjourn, Mr. Maxwell seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 7:18 PM.

Respectfully Submitted,

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on June 19, 2019