

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
June 6, 2022

The Planning and Zoning Commission held a meeting on June 6, 2022, at the DeKalb Public Library in the Yusunas Meeting Room located at 309 Oak Street, DeKalb, Illinois. Planning Director Olson called the meeting to order at 6:00 PM.

Planning Director Olson started the meeting off requesting a nomination and motion to appoint an Interim Chair for the meeting due to Chair Maxwell and Vice Chair McMahon being absent.

Mr. Becker nominated Trixy O'Flaherty as interim Chair, seconded by Ms. Stoker. There were no other nominations.

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

A. ROLL CALL

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

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair O'Flaherty requested a motion to approve the June 6, 2022, agenda as presented. Mr. Becker motioned to approve the agenda as presented. Ms. Pena-Graham seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. May 16, 2022 –Chair O'Flaherty requested a motion to approve the May 16, 2022, minutes as presented. Ms. Stoker motioned to approve the minutes as presented. Mr. Becker 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 NuMed Partners, LLC for approval of an amendment to Ordinance 2021-015 to extend the time limit to July 1, 2023, to obtain a State issued cannabis dispensary license for the property located at 818 W. Lincoln Highway.

Jim Hughes, with Next Generation Development, explained there is a lawsuit pending on the State level due to the lottery pick method for cannabis dispensaries, in which the first 180 licenses were issued two years ago. Mr. Hughes stated the lawsuit is in front of four judges, with one recently allowing the State to issue those 180 licenses. Mr. Hughes group received two of those licenses, one in the Chicago district and one in Danville. He discussed how his group could pair up with another cannabis dispensary company that has won a license and place one at the subject site. Mr. Hughes said he is very positive about the proposed location in DeKalb, and they are just waiting on the State to go forward with the issuance of additional dispensary licenses.

Dan Olson, Planning Director, said the original request for the cannabis dispensary license at the subject site was granted in 2020 and had to be extended last year due to COVID and associated delays. He continued by explaining the request for another extension is due to the lawsuits on the State level. Mr. Olson added a one-year extension should allow enough time to re-start the process and hopefully have the State issue a license to the applicant.

Planning Director Olson informed the Commission he did not receive any written public comments on this matter. Mr. Olson stated the City recommends approval of the extension.

Chair O'Flaherty asked if there were any comments or questions from the public, in which there were none.

Chair O'Flaherty asked if there were any comments or questions from the Commission members.

Shannon Stoker inquired if the applicant had to wait for the two sites in Cook County and in Danville to be approved before trying to obtain a license in DeKalb. Jim Hughes explained the State is set up in districts for issuance of these licenses and each district has a set number of licenses available. Mr. Hughes said they must be picked for a license in the DeKalb district. Mr. Olson said the DeKalb zone consists of DeKalb County and areas west and northwest of DeKalb including Northwest Illinois.

Shannon Stoker asked if the lawsuit gets settled will a permit automatically be approved for this group and location. Jim Hughes stated no it will go through another lottery system to be granted. He added if someone else wins the license for the DeKalb district, his group could partner up with them or they could potentially sell their license.

Steve Becker questioned if the applicant knew how many licenses would be issued during the lottery. Mr. Hughes replied he did not know.

Mr. Becker moved that based on the submitted petition and testimony presented, the Planning and Zoning Commission recommend to the City Council approval of an amendment to Ordinance 2021-015 to extend the time limit to July 1, 2023, to obtain a State issued cannabis dispensary license 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.

Ms. Stoker seconded the motion.

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

F. CONSIDERATIONS – Discussion on the 2022 Comprehensive Plan Update

Planning Director Olson stressed the Comprehensive Plan has been discussed over several meetings and there have been no changes in the text of the plan, just in the map showing changes in the areas a mile and a half from City’s corporate limits. He said the City has planning jurisdiction in these areas and the County may receive rezoning requests, which the City would be notified and could object.

Mr. Olson showed the changes to the 2022 Land Use Plan map and said the focus was to show non-agricultural zoning and land uses within the mile and a half boundary. He discussed a second page has been added to the map which shows three insets in the 1 ½ mile planning area on a larger scale.

Planning Director Olson started with the west side of the City’s 1 ½ mile jurisdiction along Route 38 where a former golf course (Prairie Pines) is shown as a combination of open space and agriculture. Mr. Olson moved to the area south of the City’s limits near Gurler Road and Keslinger Road. He said parcels south of Keslinger which will contain the large solar farm approved in 2021 by DeKalb County will be shown as the use “transportation/utilities and agriculture”. In the areas north of Keslinger Road (generally south and east of the Meta site), the solar farm parcels will be shown in the “transportation/utilities and industrial” land use category.

Mr. Olson explained nothing changed within the City’s corporate limits and added the plan can move forward to the planned open houses on June 30 and July 14 from 4:00 p.m. to 6:00 p.m. at the library. He said he hopes to have one or two Commission members present at the open houses, however there cannot be more than two otherwise it would be an OMA violation. Mr. Olson noted an official public hearing in front of the Commission will look to be scheduled for August 1 and then the plan will move on to Council for final approval.

Steve Becker said he is interested to see what input is provided from the public at the open houses. He added he likes that the plan is recommending a stronger and more aesthetic look to the City.

Keith Nyquist, 18 Greenwood Court, wants the Commission to keep the former NIU Art Annex Building (2239 Sycamore Road) in mind for future planning. He feels a four-story mixed commercial use building on the site would not be a good fit for the area.

G. REPORTS

Planning Director Olson announced the next Commission meeting is scheduled for Tuesday, June 21 due to the Juneteenth Holiday. Mr. Olson said there will be a hearing for J&S Towing for a special use permit overflow vehicle storage and a variance for a

screening fence. Mr. Olson reminded the Commission the open houses for public discussion on the Comprehensive Plan will be scheduled for June 30 and July 14.

H. ADJOURNMENT

Mr. Becker motioned to adjourn, Ms. Pena-Graham seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:21 PM.

Minutes prepared by: Stephanie Turner Approved: June 21, 2022