

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
June 19, 2019

The Planning and Zoning Commission held a Meeting on June 19, 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, David Castro, Ron Klein, and Jerry Wright. Commissioners Vicki Buckley and Max Maxwell were absent.

City staff present were Principal Planner Dan Olson and Recording Secretary Christine Wang.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Doe requested a motion to approve the June 19, 2019, agenda as presented. Ms. Barbe 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

April 3, 2019 – Mr. Castro motioned to approve the minutes, Ms. Barbe seconded the motion, and the motion was approved by unanimous voice vote.

May 8, 2019 – Mr. Klein to approve the minutes, Mr. Castro 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 RLDR, LLC for a special use permit for a video gaming establishment in the “CG” General Commercial District to be located at 122 East Hillcrest Drive.

Rasim Spaijoski “Simo” of 120 East Hillcrest Drive stated he is looking to open a video gaming establishment at the location and would be happy to answer any questions the Commission has.

City Planner Olson stated per the UDO regulations a "Video Gaming Establishment" is a special use in the "GC" District. He stated Simo is the owner of Fanatico's Restaurant on Blackhawk Road and intends to be the operator of the proposed video gaming establishment. Principal Planner Olson said there are four other tenants currently located in the building including a pet groomer, beauty supply shop, barbershop and tobacco store.

Principal Planner Olson noted as of March 1, 2018, the existing number of liquor licenses for gaming establishment was seven, but within two months, three City Council actions were taken to expand that number to 10, including the proposed location. He said Maisy's along South Fourth Street eventually satisfied all the City's requirements and recently opened, and Fatty's was issued a conditional liquor license for their proposed new building to be located on the north side of West Lincoln Highway but have not submitted the necessary zoning and plan applications. Principal Planner Olson said this applicant, Fanaticos, was unable to follow through within the required timeline and so its application became null and void. He added the applicant recently indicated an interest to pursue the re-approval of the video gaming establishment. Principal Planner Olson stated that on May 13, 2019, the City Council approved an amendment to the Municipal Code to allow for an increase in the fixed number of liquor licenses for video gaming establishments to allow for the use on the subject site.

Principal Planner Olson said the applicant does not intend to serve hard liquor but instead would only serve soft beverages, beer and wine along with some snacks. He said the applicant is proposing to have the video gaming establishment open seven days a week and would follow the hours allowed for a video gaming establishment in the City Liquor Code. Principal Planner Olson also noted the applicant was made aware of the restrictions placed on Maisy's (854 South Fourth Street) regarding advertising alcohol and video gaming on their signage and the restriction on the hours alcohol could be served in the morning. He also noted the applicant would be willing to abide by the same standards as Maisy's if the Commission wishes to recommend them for the subject site.

Principal Planner Olson said a Citizen Response Form was received from Marvin and Jane Levinsky who own Studio One Salon and Spa located at 1007 North First Street, stating their opposition to the proposal indicating they believe the location is not appropriate for a video gaming establishment. He said an email was also received from Charles and Christine Hacker of 117 Tilton Park Drive who had questions regarding the proposal. Principal Planner Olson said staff responded to the email from the Hackers and is provided in the Commission's packet.

Principal Planner Olson said the Police Department had reviewed the data regarding calls for service for the seven existing video gaming establishments in the City and Interim Police Chief John Petragallo has indicated there is no significant demand for public safety resources nor any quality of life or crime concerns related to the existing stand-alone video gaming establishments.

Principal Planner Olson said conditions are recommended with the approval to require within 30 days after approval by the City Council the parking lot be restriped, two handicap parking signs be installed and three shade trees be planted in the parkway along East Hillcrest Drive. He said these conditions have been discussed with the applicant and he has agreed to them.

Principal Planner Olson said the property is 370 feet away from the nearest property line of a school, meeting the state minimum separation requirements for liquor sales. He also pointed out the nearest existing video gaming establishment (CJ's at 1410 B Sycamore Road) is just under 3,500 feet away and well exceeding the minimum City requirement of 500 feet.

Mr. Klein asked if there was adequate off-street parking. Principal Planner Olson said there is enough parking provided noting there are 35 parking spaces on the site and 34 spaces are required per the UDO.

Chair Doe opened to public comment.

Vicky Davis of 129 Hillcrest Drive said she has been a long-time resident of the area. She said she has no opposition to the establishment itself or to Mr. Spaijoski but has concerns about the growing number of bars and video gaming establishments as well as tattoo parlors. Ms. Davis said she is particularly concerned about the proximity of this establishment to children, a nearby daycare, and the school. She said she is worried about people smoking outside the establishment and about alcohol being served there. She said if the applicant withdraws his desire to serve alcohol, she would be more amenable to the special use.

David Jacobson of DeKalb stated he used to live in the neighborhood and owns property in the area. He said as a commercial property owner and as the owner of a gaming café in Elburn, he has never had any problems with the operation. He said there are many communities that gaming customers could take their business to and he would prefer they stay in DeKalb. He added the subject property and building was not in good shape and the current owner has worked hard to restore it to an acceptable appearance. Mr. Jacobson said he disagrees with the idea people have that bars contribute to the detriment of a community, and gave the example of how Normal, Illinois is flourishing and they have twice as many bars DeKalb has. He said because there are few bars in the community, the millennials do not feel like there is much to do, leading them to flee.

Mr. Castro asked if the Commission was providing a special use for the entire building or just for the tenant space. Principal Planner Olson clarified it was for the tenant space only. Mr. Castro noted he was satisfied with the signage limitations of Maisy's and there should be a larger discussion on signage limitations as a whole. Mr. Castro noted the rise in the number of video gaming establishments and said it may be the responsibility of the Commission to determine where these establishments are best suited and not necessarily how many there should be. He said he does not want to forget Ms. Davis' comments regarding the perception of DeKalb as the City moves forward. He says he does not, on a technical note, oppose the proposed special use.

Mr. Klein said he is not very enthused about these establishments and echoed Ms. Davis' concerns regarding the proximity of the video gaming establishment to a school and day care center. He said if the establishment was very successful, he was concerned about the overflow parking, but conceded it may not be that busy. Mr. Klein asked about the tenants in the building and if they were supportive of the request. Mr. Spaijoski stated all tenants were in favor as it brings more foot traffic and more revenue. He noted most of the storefronts were empty before the current tenants came in. He said he does not like to see so many businesses and properties in DeKalb empty. He said there will be other things advertised besides alcohol such as food, snacks, and perhaps coffee. Mr. Spaijoski said some of the other tenants are not open all the time the video gaming establishment would be open, so there should be plenty of parking.

Ms. Barbe said there are many empty properties in DeKalb and notes there should be some caution in considering filling an empty property for the sake of just filling it. She said there should not be a big problem regarding children as they will not go in the establishment. She said there should be a discussion regarding signage as she agrees there is an issue in general regarding flashy signs. Ms. Barbe said she is also cautious of giving workers a living wage. Mr. Spaijoski said he has employed several students at his other business, and it provides part-time experience for students. Ms. Barbe said there are a number of video gaming establishment so she said she was doubtful of how many customers would go elsewhere when there are several similar establishments.

Mr. Wright asked Mr. Spaijoski if he owns the building. Mr. Spaijoski said his family owns the property and building and other property in DeKalb and they live in the City. He added he will be managing the video gaming establishment. Mr. Wright asked if there were other storefronts on the property that were empty. Mr. Spaijoski responded there would only be one other empty store left and there were already other tenants who were attracted to the property. Mr. Wright said he is a business owner and understands trying to develop a business. He said he also struggles with having a vacant space versus a business in the space that may or may not thrive.

Chair Doe said the recent property renovations have improved the look of the site. She said she did not like the hours for selling alcohol and does not want liquor to be sold at 6 AM, preferring instead alcohol to be sold at 10 AM and after. She agreed with being careful with signage and applauded Mr. Spaijowski for trying to bring a new business to the area. Chair Doe said she is concerned about the detriment that could go along with gaming establishments, but she is not wholly opposed to the idea.

Mr. Klein asked if there could be a condition of the special use to restrict the type of alcohol served. Principal Planner Olson said the Commission could make that recommendation.

Chair Doe gave the public one more opportunity to speak.

Ms. Davis said she has seen the community go from a sleepy to a thriving town and asked the Commission to think carefully and to restrict this type of use.

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. Castro made a motion to recommend to the City Council approval of a Special Use Permit for a Video Gaming Establishment at 122 East Hillcrest Drive per the conditions as indicated on Exhibit A of the staff report and to add restrictions on the type of alcohol served to include only beer and wine and to include the conditions as laid out in the Maisy's (854 South Fourth Street) proposal in relation to signage (signage not to advertise alcohol or video gaming, 40% max coverage of one windowpane) and the hours alcohol could be served (not before 10:00 AM). Seconded by Mr. Klein.

A roll call vote was taken. Ms. Barbe – yes, Mr. Castro – yes, Mr. Klein – yes, Mr. Wright – yes, Chair Doe – yes. Motion passes 5-0-2. Ms. Buckley and Mr. Maxwell were absent.

F. REPORTS

Principal Planner Olson mentioned the next Planning and Zoning Commission meeting will be Wednesday, July 3rd, and there is one public hearing. He noted City Council recently approved the Lovell's re-zoning, the Hometown Sports Bar patio and deck, and the Park District's change in their berming and landscaping on South Fourth Street for the Sports and Recreation Center.

Mr. Wright asked for the status on the Illini Tire property (NE corner of West. Lincoln Highway and Annie Glidden Road). Principal Planner Olson stated it is on the market, but no one has come forward to the City for any proposed

redevelopment. Mr. Castro asked for clarification on “grandfathering” in legal non-conforming properties. Mr. Olson said there are limitations on it in the UDO and the situation would depend on how the particular property is zoned.

G. ADJOURNMENT

Mr. Klein motioned to adjourn, Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote. The meeting adjourned at 7:10 PM.

Respectfully Submitted,

Christine Wang, Recording Secretary

Minutes were approved by the Planning and Zoning Commission on July 17, 2019