

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
June 21, 2022

The Planning and Zoning Commission held a meeting on June 21, 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 6:14 PM.

A. ROLL CALL

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

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the June 21, 2022, agenda as presented. Ms. O'Flaherty motioned to approve the agenda as presented. Mr. Becker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. June 6, 2022 –Chair Maxwell requested a motion to approve the June 6, 2022, minutes as presented. Mr. Becker motioned to approve the minutes as presented. Mr. McMahon 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 J&S Recovery and Towing for a special use permit for a vehicle tow facility and storage yard and a variance to permit an 8-foot-high fence to serve as screening for a portion of the storage yard in lieu of the required 10-foot-high fence for the property located at 407 Industrial Drive.

Tom Guthrie, Regional Manager for J&S Towing, stated they have been in business since 2019 and they received their first special use permit in 2020 for 110 Industrial Drive. Mr. Guthrie explained the need for the auxiliary lot is due to an extreme amount of growth and taking on a contract with the City of DeKalb. He added most of the vehicles stored at J&S Towing are vehicles that have been impounded by the City.

Mr. Guthrie said they are looking to utilize a 1.7-acre storage lot down the road from their current location which is owned by Pinkston-Tadd Roofing (407 Industrial Dr.). He described an existing 6-foot high barbed wire fence surrounds the site now and an 8-foot high solid fence exist along the north end of the property which belongs to

Zimmerman Recycling (301 Industrial Dr.). Mr. Guthrie stated they are proposing to fence the west, east, and south ends of the facility with a 10-foot sight-proof fence. Mr. Guthrie added they are requesting a variance to use the 8-foot-high fence that is currently located on the north end of the lot. He noted there are currently eight cameras on the property with three in front, three in back, and two on the south side of the building where the access point is located. He said a locked security gate would be added to the premises and there would be no public access to their auxiliary lot, with cars being picked up and taken to the 110 Industrial Drive facility.

Dan Olson, Planning Director, covered the Staff Report dated June 16, 2022, and reiterated J&S Towing's original location received a special use permit in 2020. He explained, if approved, they would be leasing the auxiliary lot (100' x 150') from Pinkston-Tadd Roofing to accommodate the additional storage needed. Mr. Olson said the need for a variance in order to keep the existing 8-foot-high sight-proof fence on the north end of the lot in lieu of the UDO required a 10-foot-high screened fence. He mentioned if the applicant constructed a 10-foot-high privacy fence along the north property line, it would not provide any additional screening for a use (Zimmerman Recycling) that has more outside storage.

Planning Director Olson said the staff is recommending some conditions to bring the site further into compliance. He noted one condition is adding striped parking spaces along with designating a handicap space in the front of the building. Mr. Olson stated another was added to make sure they comply with Towing Policy Chapter of the Municipal Code.

Mr. Olson discussed the background of other towing companies in DeKalb starting with Lovett's towing receiving a special use permit in 2009 on East Lincoln Highway to allow for expansion of that site. He said Tri-State Towing on State St. received a special use in 2015 and J&S Towing (110 Industrial Dr.) received their special use in 2020.

Planning Director Olson explained that 407 Industrial Drive has a storage area in the rear that is gravel, and pavement is not required since there is no public access to this area. Mr. Olson mentioned that J&S can expand within a year without requiring an amendment to the special use permit. He defined the conditions recommend including restrictions of no stacking of vehicles, no stacking of vehicle parts higher than eight feet, no crushing of vehicles, vehicles in operation cannot be parked outside of the storage area and abandoned and salvaged vehicles cannot be on the premises longer than 90 days, unless through a court order.

Mr. Olson explained there are two separate motions, one for the special use permit and one for the variance. Mr. Olson said they meet the criteria for a special use and the variance. He noted a condition is recommend for the variance stating if Zimmerman Recycling removes the 8-foot-high fence along the north property line, J&S Towing would be responsible for adding a new 8-foot-high fence.

Mr. Olson mentioned the City received an email from Brett Jackson of Tri-State Towing objecting to the request. The e-mail contends that J&S was not complying with UDO requirements and Chapter 35 of the Municipal Code and did not agree with the variance. Planning Director Olson said he spoke with Mr. Jackson in regard to his comments.

Chair Maxwell asked if there were any comments or questions from the public.

Jack Goodrich, of 1440 E. Lincoln Highway, said he had a concern with the privacy fence along the west side of the site, but after hearing the proposal he has no objection.

Chair Maxwell asked if there were any comments or questions from the Commission members.

Trixy O'Flaherty wanted to hear from the neighbor (Mr. Goodrich) and since he is happy, she would support the request.

Bill McMahon felt the same and wanted verification Mr. Olson spoke with Brett Jackson on his comments. Mr. Olson replied yes he spoke to Mr. Jackson.

Andrew Bjornson, owner of J&S Recovery and Towing, replied to Brett Jackson's concerns and said there are currently eight cameras on the premises with more being added. Mr. Bjornson cleared up that the employees from Pinkston-Tadd will not have access to J&S's auxiliary lot. He said right now they are leasing the lot but hope to buy the property within 10 years.

Mr. Becker moved that based on the submitted petition and testimony presented and findings of fact, the Planning and Zoning Commission forward its findings of fact and recommend to City Council approval of a special use permit for a vehicle towing facility and storage yard located at 407 Industrial Drive per the site plan dated 5-31-22 and labeled as Exhibit A and per the conditions listed in Exhibit B.

Mr. McMahon seconded the motion.

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

Ms. O'Flaherty moved that based on the submitted petition, testimony presented and findings of fact, the Planning and Zoning Commission approve a variance to Article 5.12.03 of the Unified Development Ordinance to allow an adjacent 8-foot-high sight-proof fence to serve as screening along the north property line of the storage yard in lieu of the required 10-foot-high sight-proof fence as shown on the site plan dated 5-31-22 labeled as Exhibit A and subject to the following condition:

1. If the adjacent 8-foot-high sight-proof fence to the north is removed, the applicant shall construct an 8-foot-high sight-proof fence on the north property line of the subject site within 90 days of removal of the fence.

Mr. McMahon seconded the motion.

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

F. REPORTS

Planning Director Olson announced the next scheduled Commission meeting on July 5th will be cancelled due to not having a quorum. He noted the hearing for the Brooks Elementary School modular classroom originally scheduled for the July 5th meeting will be held on July 18th. Mr. Olson explained new notices to residents will be sent out tomorrow for the re-scheduled hearing. He added there may be another hearing scheduled on July 18th and if so, the Commission will be notified via e-mail.

Mr. Olson reminded the Commission of the open houses to discuss the Comprehensive Plan update are scheduled for June 30th and July 15th.

Planning Director Olson told the Commission that Recording Secretary Stephanie Turner will send out calendar invites to the members when the Planning and Zoning Commission agendas are posted.

G. ADJOURNMENT

Ms. O'Flaherty motioned to adjourn, Mr. McMahon seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:38 PM.

Minutes prepared by: Stephanie Turner

Approved: July 18, 2022