

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
October 16, 2023

The Planning and Zoning Commission held a meeting on October 16, 2023, at the DeKalb Police Department in the 2<sup>nd</sup> Floor Training room located at 700 W. Lincoln Highway, DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:00 PM.

A. ROLL CALL

Recording Secretary Stephanie Turner called the roll. Planning and Zoning Commission members present were: Steve Becker, Maria Pena-Graham, Shannon Stoker, Bill McMahon, and Chair Max Maxwell. Trixy O'Flaherty and Jerry Wright arrived at 6:03 p.m., after the roll call was taken. Planning Director Dan Olson, City Engineer Zac Gill, and Chief Building Official Dawn Harper were present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the October 16, 2023, agenda as presented. Mr. Becker motioned to approve the agenda as presented. Ms. Stoker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. October 2, 2023 –Chair Maxwell requested a motion to approve the October 2, 2023, minutes as presented. Mr. McMahon 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 Robert Wessels, represented by Thomas Doherty, for approval of the rezoning, upon annexation, of the property located at 2023 Sycamore Road from the “SFR1” Single-Family Residential District to the “PD-C” Planned Development Commercial District to accommodate a farmer’s market and accessory uses.

Attorney Thomas Doherty, representing the property owner, stated the subject property is zoned through DeKalb County and in an isolated section in the middle of DeKalb. He added the Wessels are looking to annex it into the City and rezone to the “PD-C” Planned Development Commercial District. Mr. Doherty covered the history of this property starting from the 1960’s and stressed the property has been in commercial use since that time.

Mr. Doherty went on to discuss a neighbor's (Louisa McCarthy - 109 Greenwood Acres) written concerns with the proposal. He said the owner of the lot right behind the subject property (105 Greenwood Acres Dr.) did not object to the petition and another neighbor, Ms. Bemis (132 Greenwood Acres Dr.), gave her support. Mr. Doherty spoke on a letter that was submitted to the City from three neighbors questioning the applicant's plans and if they could keep changing the type of business they conduct. He stressed the applicant would have to follow the allowable uses according to the zoning and future changes would possibly have to be approved by the City.

Mr. Doherty touched on the neighbor's concern about haphazard parking and pointed out similar parking situations around the City. He also addressed the concern about the port a potty located on the property, and stated its necessary because there is no water and sewer hook up to the property. He informed the Commission the port a potty will be screened from public view. Mr. Doherty added the Wessels are looking to get water and sewer to the property down the road. He stated the Wessels have spent tens of thousands of dollars on improvements including siding, roofing, windows, and doors and that additional improvements such as paving the parking lot area are still to come.

Planning Director Olson went through the Staff Report dated October 12, 2023 and informed the Commission the property was zoned Residential Conservation District by the County and the reason for the annexation petition is due in part to the fact the owner lost their legal non-conforming status through the County. He added the site is contiguous to the City from the Kishwaukee Country Club and the bank (FNBO) across Greenwood Acres Dr. Mr. Olson said this would be a phased project with immediate occupancy in an 8-foot by 10-foot area then temporary occupancy after interior improvements are made to a 2,700 sq. ft. area of the building to accommodate current uses and additional accessory uses.

Mr. Olson explained there are requirements for heating, electrical work, and other items that must be addressed per the City's Building Code prior to the occupancy of 2,700 sq. ft. of the building. He stated if the applicant wants to add to the 2,700 sq. ft. of usable space or change uses, they may have to connect to water and sewer. Mr. Olson said the City is recommending within a year of approval a 6-foot-high privacy fence along the west property line, paving, and stripping 8 parking spaces with no parking (except a handicap space) within 65 feet of the right-of-way of Sycamore Rd.

Mr. Olson confirmed this request met the rezoning standards and the Comprehensive Plan recommendations and the staff recommends approval. He mentioned the City received a letter of concern from three neighbors: Louisa McCarthy of 109 Greenwood Acres, Flora Foss of 111 Greenwood Acres, and Gerald and Cheryl Brauer of 113 Greenwood Acres. Mr. Olson advised the Commission after the agenda was posted there were three letters of support received from the President of the Kishwaukee Country Club Board of Directors, nearby property owner Nicholas Cronauer, and FNBO Bank.

Steve Irving, of 4 Arrowhead Lane, began by saying he is a lifelong DeKalb resident and the property looked awful before the Wessels purchased the property. He stressed he is pleased with the improvements that have been made and the business offers a country feel and is a real asset to the area. Mr. Irving voiced his concerns about a few

surrounding properties along Greenwood Acres Dr. looking like junkyards and the County cannot do anything about it. He said he wished the City would force annex these properties into the City and then the lots with property maintenance issues can be addressed.

Louisa McCarthy of 109 Greenwood Acres Dr. noted concerns of holding all business owners to the same standards and said she cannot support a business that does not have running water. She added the port a potty is not hidden and is not something any neighbor wants to look at. Ms. McCarthy questioned why there is a grace period for the water/sewer connection and fencing.

Ms. McCarthy touched on the changing uses from a farm stand to a store, to a lemonade stand and wondered if they would just continue to change the type of business. She stressed the biggest concern is safety with parking and the traffic. Ms. McCarthy asked how the 2,700 sq. ft. usable space was determined. Chief Building Official Dawn Harper explained there are walls built inside with different sections of the structure which helped determine the 2,700 square footage.

Planning Director Olson stated this is an old commercial site and it cannot be compared to the FNBO Bank across the street which was newly built and had a large enough lot to meet all the zoning standards. He added the City is suggesting this approval be a phased approach to get the best use of the building.

Ms. McCarthy questioned if there were any businesses in DeKalb without running water. Planning Director Olson said public water is required in the City unless it is part of an annexation agreement.

Flora Foss from the audience asked if there was a timeline for the Wessels to connect to water and sewer. Mr. Olson stated it depends on the uses of the property and if food services are ever applied for, which will make water and sewer connections necessary.

Ms. McCarthy asked if the lemonade stand would be removed then since it's not a good mix with a place where you cannot wash your hands. Mr. Wessels explained someone got a permit through the County for the stand to occupy any space that is approved by the owner. Dawn Harper noted the DeKalb County Health Department must regulate that since the permit was issued through the County.

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

Mr. Becker noted this has been a de facto commercial property for over 60 years and added there have been major improvements to the site. He said a community lives and dies by cooperation between homeowners and small businesses.

Mr. Maxwell agreed and does not see any issues with annexing the property into the City.

Ms. O'Flaherty stated her only concern was for a time frame for water and sewer connections. She agrees it is right to annex the property but would like to see a time frame set up for water and sewer hookup. Mr. Wessels stated he would like to do it as

soon as possible but it will cost a lot of money and he has already spent funds on other improvements. He stated he cannot give a deadline for when it will be completed.

Ms. O'Flaherty asked if the property was sold would the purchaser have to connect to water and sewer. Planning Director Olson stated it depends on the use of the building and the annexation agreement requirements stays with the property, not the owner.

Flora Foss of 111 Greenwood Acres questioned how employees wash their hands after using the port a potty. Mr. Wessels responded there is hand sanitizer available.

Mr. McMahon said there have been improvements made to the building and he feels this is great that the Wessels are a small business investing in the community.

Mr. Becker asked if there were grants available for the water and sewer hookup. City Engineer Zac Gill said no because the use must be for a public use and not to benefit one single parcel. Dawn Harper stated there could be small business grants available. Planning Director Olson added the City has funds from the non-TIF AIP (Architectural Improvement Program) for esthetic and safety improvements.

Mr. Becker moved that based on the submitted petitions and testimony presented, the Planning and Zoning forward its findings of fact and recommend to the City Council approval of the rezoning, upon annexation, from the "SFR1" Single-Family Residential District to the "PD-C" Planned Development Commercial District for the property located at 2023 Sycamore Road per the Concept Plan listed in Exhibit A and subject to the Planned Development Standards listed in Exhibit B.

Mr. McMahon seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O'Flaherty – Yes, Ms. Pena-Graham - Yes, Ms. Stoker – Yes, Jerry Wright – Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Motion passed 7-0-0.

**2. Public Hearing** – A petition by the City of DeKalb amending the "Unified Development Ordinance" pertaining to Electronic Changeable Copy Signs and Wall Signs.

Planning Director Olson went through the Staff Report dated October 12, 2023, and indicated the petition for text amendments covers two sections of the UDO dealing with signs and came about due to requests from a church and a future business. He discussed the first amendment for electronic changeable copy signs, or digital display signs, in the Central Business District which is currently not allowed per the UDO. He informed the Commission the amendment would allow electronic changeable copy ground signs up to 25 sq. ft. in the "CBD" if they are not along E. Lincoln Highway.

Mr. Olson continued to the second text amendment regarding wall signs which stemmed from a request from Kraft Heinz in relation to their new building under construction at Gurler and Peace Roads. He said the current regulations for wall signs allows them at one and a half times the frontage of the building with a maximum of 300 sq. ft. Mr. Olson stated the proposal is to remove the 300 sq. ft. maximum and allow any buildings over 500,000 sq. ft between Fairview Dr. and Gurler Rd. to use

two times the frontage of the building for wall signs. He added this will allow wall signs to be viewed easier on larger industrial buildings.

Chair Maxwell asked if there were any questions or comments from the public in which there were none.

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

Mr. Becker stated electronic changeable copy signs allow businesses flexibility and cleanliness for displaying information.

Ms. Stoker moved that based on the submitted petition and testimony presented, the Planning and Zoning Commission recommend to the City Council approval of text amendments to the Unified Development Ordinance regarding changeable copy ground signs and wall signs as indicated in Exhibit A attached to the staff report.

Ms. O'Flaherty seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O'Flaherty – Yes, Ms. Pena-Graham - Yes, Ms. Stoker – Yes, Jerry Wright – Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Motion passed 7-0-0.

#### F. REPORTS

Planning Director Olson announced the next Commission meeting is set for Monday, November 6 and back at the Library. He noted there will be a hearing for a variance request for a fence at 1015 Franklin Street. He added there are a few pending matters which may be scheduled for the second meeting in November. Mr. Olson stated the City Council approved the special use permit for the school at 1240 Normal Rd. and the special use permit and text amendments for the classic car dealership at 215 N. 4<sup>th</sup> St.

#### G. ADJOURNMENT

Mr. Becker motioned to adjourn, Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 7:05 PM.

Minutes prepared by: Stephanie Turner Approved: November 6, 2023