CERTIFICATION

I, RUTH A. SCOTT, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

ORDINANCE 2019-086

APPROVING A SPECIAL USE PERMIT FOR CELL ANTENNA AT 100 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (MOBILITIE) (WALGREENS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 9th day of December 2019. The original document will be kept on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 11th day of December 2019.

RUTH A. SCOTT, Executive Assistant

Prepared by and Return to:
City of DeKalb
City Manager’s Office
Attention: Ruth A. Scott
200 S. Fourth Street
DeKalb, Illinois 60115
ORDINANCE 2019-086  PASSED: DECEMBER 9, 2019

APPROVING A SPECIAL USE PERMIT FOR A CELL ANTENNA AT 100 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (MOBILITIE) (WALGREENS).

WHEREAS, the City of DeKalb (the “City”) is a home rule municipality with the power and authority conferred upon it by the Illinois Constitution; and,

WHEREAS, Mobilitie (herein referred to as “Petitioner”), has petitioned the City for approval of a special use permit for a cell antenna on the building located at 100 W. Lincoln Highway, DeKalb, Illinois (herein referred to as “Subject Property”),

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission on December 4, 2019; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the City’s Planning and Zoning Commission for the special use permit for the Subject Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

WHEREAS, the City Council has reviewed and adopts the following findings of fact of the Planning and Zoning Commission of the City of DeKalb, finds that the proposed special use permit is in conformance with the applicable factors contained therein, and finds that approval of the special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare;

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05 (2) OF THE UNIFIED DEVELOPMENT ORDINANCE

1. The proposed special use complies with all provisions of the applicable district regulations.

The proposed cell antenna will comply with all regulations of the “CBD” Central Business District and the UDO. The proposed cell antenna is only 10-12 feet above the height of the building and will be placed at the rear of the building and not be visible from E. Lincoln Highway. The applicant will be meeting the conditions for a special use for a cell antenna per the UDO standards, Article 7.08.08.

2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned commercial for decades and is in proximity to a variety of commercial uses. The cell antenna will only be 10-12 feet above the building
and placed at the rear of the building away from E. Lincoln Highway and will not be injurious to the surrounding area. The building where the antenna will be placed is about 250 feet away from the nearest residential zoned property line.

3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.

The special use will not dominate the immediate area and will not prevent development on the neighboring properties. The surrounding area is already developed with a variety of commercial uses and some residential apartment units.

4. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Adequate public services are already provided to the subject site with some additional equipment being added in order to provide the proposed enhanced cell service.

5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.

The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. Enhanced service to Sprint customers will be beneficial to the community and the proposed antenna will allow for better in-store customer service and increased sales and provide for additional revenue for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

SECTION 1: The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

SECTION 2: This Ordinance is limited and restricted to the Subject Property described as follows:
That part of the original Village (now City) of DeKalb, as shown in Book 11A11 of plats, Page 8 1/4, described as follows: Commencing at a point which is 66 feet westerly of the west line of Block 2 of the original Village (now City) of DeKalb, and 9.3 feet southerly from a westerly extension of the north line of said Block 2; Thence south 19 degrees, 57'48"11 west, parallel with the west line of said Block 2, a distance of 15.0 feet for a point of beginning; Thence continuing south 19 degrees 57' 48" west, along said parallel line, 356.0 feet to the north line of the Chicago and Northwestern Railway; thence south 88 degrees 101 5011 west, along said north, 171.91 feet; thence north 19 degrees 32' 46" east, 386.48 feet to the southerly line of West Lincoln Highway; thence east, along said southerly line, 31.25 feet, thence south 19 degrees 26' 1711 west, 4.24 feet; thence east, 6.91 feet; thence north 4.0 feet to said southerly line; thence east, along said southerly line, 117.3 feet; thence south 35 degrees 171 l0" east, 17.33 feet to the point of beginning, all in the City of DeKalb; DeKalb County, Illinois.

The property is commonly known as 100 W. Lincoln Highway, DeKalb, Illinois 60115, and encompasses Parcel Identification Numbers ("PIN") 08-22-280-040, 08-22-280-039 and 08-22-280-037.

SECTION 3: The City's corporate authorities grant a special use permit for the Subject Property for a cellular antenna per the plans dated 9-19-19 prepared by Mobilitie and attached as Exhibit A.

SECTION 4: All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

SECTION 5: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 6: That all provisions of the UDO shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or Executive Assistant shall record a copy of this Ordinance after execution of this Ordinance.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 9th day of December 2019 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faiivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faiivre, Mayor Smith. Nay: None.

ATTEST:
Ruth A. Scott
EXECUTIVE ASST.

JERRY SMITH, Mayor
STATE OF ILLINOIS
EXHIBIT A
STORE NUMBER/CANDIDATE ID:
WAG STORE 4042/CH90XS111
LATITUDE/LONGITUDE:
41.929840/-88.754949
ADDRESS:
100 W. LINCOLN HWY
CITY, STATE, ZIP:
DEKALB, IL 60115
NOTE:
1. STRUCTURAL DESIGN IS BASED ON THE STRUCTURAL PLANS
   SIGNED 02/07/1983.
   PREPARED IN ACCORDANCE WITH THE PLAN CHECK.
   INSTALLATION ON NEW HOUSE.