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 2019-060

AUTHORIZING A SECOND AMENDMENT TO THE ANNEXATION AGREEMENT AND AMENDMENT REPRESENTED BY ORDINANCE 2016-007 AND ORDINANCE 2016-039 TO REMOVE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR "PROFESSIONAL SERVICE OFFICES" AND TO ADD "ARMED SERVICES RECRUITING STATIONS" AND OTHER SERVICE-RELATED USES TO THE LIST OF USES ALLOWED UNDER PROFESSIONAL SERVICE OFFICES FOR THE PROPERTY LOCATED AT 2061, 2112, 2115 AND 2121 SYCAMORE ROAD, DEKALB, ILLINOIS (CORRAL DYN, LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 23rd day of September 2019.

WITNESS my hand and the official seal of said City this 10th day of March 2020.

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
AUTHORIZING A SECOND AMENDMENT TO THE ANNEXATION AGREEMENT AND AMENDMENT REPRESENTED BY ORDINANCE 2016-007 AND ORDINANCE 2016-039 TO REMOVE THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR "PROFESSIONAL SERVICE OFFICES" AND TO ADD "ARMED SERVICES RECRUITING STATIONS" AND OTHER SERVICE-RELATED USES TO THE LIST OF USES ALLOWED UNDER PROFESSIONAL SERVICE OFFICES FOR THE PROPERTY LOCATED AT 2061, 2112, 2115 AND 2121 SYCAMORE ROAD, DEKALB, ILLINOIS (CORRAL DYN, LLC).

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

WHEREAS, the City has previously approved the annexation of certain property that is legally described, attached hereto and incorporated herein as Exhibit A (the "Property"), by Ordinance 2016-007 and the Annexation Agreement recorded as Document Number 2016007066 (the "Agreement"); and

WHEREAS, the City has previously approved and a First Amendment to the Agreement dated November 28, 2016, by Ordinance 2016-039; and

WHEREAS, the owner of the Property, Corral Dyn, LLC (the "Owner") petitioned the City for a Second Amendment to the Agreement to remove the 53% maximum square footage restriction for Professional Service Offices and to add "armed services recruiting stations" as an enumerated example of a Professional Service Offices allowed under the Agreement as contemplated in the same or substantially similar form as the Second Amendment to the Agreement (the "Second Amended Agreement"), a copy of which is attached hereto and incorporated herein as Exhibit B; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission on September 4, 2019, which considered evidence, made findings of fact, and recommended the approval of the Owner’s petition; and

WHEREAS, the City and Owner have conducted all required public hearings before the City’s Planning and Zoning Commission and the City Council to amend the Agreement, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and,

WHEREAS, the City Council adopts the findings of fact of the City’s Planning and Zoning Commission, concurs in the recommendation of the City’s Planning and Zoning Commission to approve the Owner’s petition, and finds that approval of this Ordinance is in the public interest and promotes the public health, safety and welfare;

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of
DeKalb, DeKalb County, Illinois, as follows:

SECTION 1: The recitals to this Ordinance are true, correct, and hereby incorporated into this Ordinance as if fully set forth in this Section 1.

SECTION 2: The City’s Corporate Authorities, by a two-thirds vote of the Corporate Authorities then holding office, approve the Second Amended Agreement in the same or substantially similar form as Exhibit B, and further authorize the Mayor to execute the Second Amended Agreement, subject to such changes as shall be acceptable to him with the recommendation of City Staff.

SECTION 3: The City’s Corporate Authorities approve the rezoning of the Property to remove the 53% maximum square footage restriction for Professional Service Offices and to add “armed services recruiting stations” and other service-related uses as an enumerated example of a Professional Service Offices allowed pursuant to the Second Amended Agreement approved in Section 2 of this Ordinance.

SECTION 4: After execution by all parties, this Ordinance and the Second Amended Agreement shall be recorded in the DeKalb County Recorder’s Office.

SECTION 5: All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

SECTION 6: 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 7: This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: September 24, 2019. Effective date: October 3, 2019.


ATTEST:

LYNN A. FAZEKAS, City Clerk

JERRY SMITH, Mayor
EXHIBIT A
(LEGAL DESCRIPTION OF THE PROPERTY)

LOT 1 AND LOT 2 OF PURI DEKALB SUBDIVISION, A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN ON THE PLAT RECORDED AS DOCUMENT NO. 2016007994, IN PLAT CABINET 10, SLIDE 148-D, IN THE OFFICE OF THE RECORDER, DEKALB COUNTY, ILLINOIS.

COMMON ADDRESS: 2061, 2112, 2115 AND 2121 SYCAMORE ROAD, DEKALB, IL 60015

PIN: 08-13-126-003 AND 08-13-126-004
SECOND AMENDMENT TO ANNEXATION AGREEMENT

This Second Amendment to Annexation Agreement (the "Second Amended Agreement") is made and entered this 3rd day of September, 2019, by and between the City of DeKalb (the "City"), an Illinois home rule municipal corporation, and Corral Dyn, LLC (the "Owner"), who are collectively referred to as the Parties.

RECITALS:

WHEREAS, the City of DeKalb (the "City") has the power and authority to enter into and to amend annexation agreements pursuant to 65 ILCS 5/11-15.1-1; and,

WHEREAS, the City has previously approved the annexation of Owner's property, which is legally described, attached hereto and incorporated herein as Exhibit A (the "Property"), by Ordinance 2016-007 and the Annexation Agreement recorded as Document Number 2016007066 (the "Annexation Agreement"); and

WHEREAS, the Parties previously entered into a First Amendment to the Annexation Agreement dated November 28, 2016 (the "First Amended Agreement"); and

WHEREAS, the Owner has petitioned the City to amend the Annexation Agreement to remove the 53% maximum square footage restriction for Professional Service Offices and to add "armed services recruiting stations" as an allowed use specifically enumerated as a Professional Service Offices pursuant to this Second Amended Agreement; and

WHEREAS, the Parties have conducted all required public hearings and have otherwise satisfied all conditions precedent for the approval of this Agreement; and,

NOW, THEREFORE, in consideration of the promises, undertakings and covenants hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which is hereby mutually acknowledged by the parties hereto, the Parties agree as follows:

1.0 **Recitals:** The foregoing recitals are true, correct, and hereby incorporated into this Agreement as if fully set forth in this paragraph.

2.0 **Zoning:** The zoning of the Property as provided under Section II(A)(1)(iii) of the Annexation Agreement shall be amended in its entirety to state as follows:

Professional Service Offices, such as medical offices for licensed doctors or chiropractors, urgent care, dental office, legal office, optometrist/ophthalmologist, accountant, armed services recruiting stations, or other similar professional service-based offices (with the determination of what constitutes a similar professional office being made by the City Manager). Service facilities including barber shops and beauty
shops, copying and duplicating services, artists' studios, photographers, locksmith, shoe repair, tailors, music and dance instruction studios, typing and stenography services, suntan parlors, travel agencies and ticketing offices, or other similar service facilities (with the determination of what constitutes a similar service facility being made by the City Manager).

3.0 **Miscellaneous:** Except as otherwise provided by this Second Amended Agreement, the terms of the Annexation Agreement and First Amended Agreement shall remain the same and binding upon the Parties as provided therein.

**ATTEST:**

By: [Signature]
Print Name: Lynn A. Fazekas
Title: City Clerk

**ATTEST:**

By: [Signature]
Print Name: Marvin Lyons
Title: Corporate Counsel

**CORRAL DYN, LLC**

By: [Signature]
Print Name: Sunil Puri
Its: [Signature]
EXHIBIT A
(LEGAL DESCRIPTION OF THE PROPERTY)

LOT 1 AND LOT 2 OF PURI DEKALB SUBDIVISION, A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 13 TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS SHOWN ON THE PLAT RECORDED AS DOCUMENT NO. 2016007994, IN PLAT CABINET 10, SLIDE 148-D, IN THE OFFICE OF THE RECORDER, DEKALB COUNTY, ILLINOIS.

COMMON ADDRESS: 2061, 2112, 2115 AND 2121 SYCAMORE ROAD, DEKALB, IL 60015

PIN: 08-13-126-003 AND 08-13-126-004
September 17, 2019

Mayor Jerry Smith and City Council Members
200 S. 4th Street
DeKalb, IL 60115

Re: Amendment to the Annexation Agreement
   Ordinances 2016-007 and 2016-039

Dear Mayor Smith and City Council Members:

On September 4, 2019, the Planning and Zoning Commission voted to approve the requested Amendment to the Annexation Agreement. As such, we request the City Council waive the second reading requirement scheduled for the September 23, 2019 meeting approve the Amendment on the first reading.

Thank you for your consideration in this matter.

Sincerely,

FIRST MIDWEST GROUP
For Corral Dyn, L.L.C.

By: [Signature]
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
August 30, 2019

TO: DeKalb Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: Amendment to Ordinances 2016-007 and 2016-039 to remove the maximum square footage allowed for “Professional Service Offices” in the Ordinances and to add “armed services recruiting stations” to the list of uses allowed under Professional Service Offices (2061, 2112, 2115 and 2121 Sycamore Road)

I. GENERAL INFORMATION

A. Purpose

To allow an armed service recruiting station to locate in the building located at

B. Location/Size

2061, 2112, 2115 and 2121 Sycamore Road/ 1.37 acres

C. Petitioner

Corral Dyn, LLC represented by Marvin Keys

D. Existing Zoning

PD-C, Planned Development Commercial

E. Existing Land Use

Medical Offices (Aspen Dental and ATI Physical Therapy)

F. Proposed Land Use

Medical Offices and Armed Services Recruiting Station

G. Surrounding Zoning and Land Use

North: GC; commercial, apartments
South: PD-C & GC; commercial
East: PD-C; commercial
West: SFR2 & GC; nature trail, commercial

H. Comprehensive Plan Designation

Commercial
II. BACKGROUND AND ANALYSIS

The applicant, Corral Dyn, LLC represented by Marvin Keys, is requesting approval of an amendment to the annexation agreement and amendment represented by Ordinance 2016-007 and 2016-039 (Puri DeKalb Development) to remove the maximum square footage allowed for “Professional Service Offices” in the Ordinances and to add “armed services recruiting stations” to the list of uses allowed under Professional Service Offices. Ordinance 2016-007 was approved on March 14, 2016 and annexed and rezoned 1.37 acres of property along Sycamore Road to the PD-C Planned Development Commercial District. The Ordinance provided that retail uses, restaurants and professional service offices (e.g. medical, legal, financial) would be allowed. The Ordinance also had a provision that limited the square footage of professional service office uses to no more than 33% of the total square footage of both buildings. The 33% restriction was negotiated by the City to ensure the development on the property would generate sales tax income for the City in exchange for approval of some exceptions to the UDO. The two commercial buildings indicated on the plans were constructed following the approval in 2016. The northerly building is 8,015 sq. ft. and the southerly building is 3,520 sq. ft. The southerly building (2061 Sycamore Road) was fully occupied by Aspen Dental (formerly Delta Dental) upon completion. The 33% maximum square footage for professional service office uses was used up by the Aspen Dental occupancy.

On November 28, 2016 the City Council approved an amendment to Ordinance 2016-007 by adopting Ordinance 2016-039 which increased the amount of square footage that could be occupied by professional service office uses from 33% to 53%. The amendment was requested in order to accommodate ATI Physical Therapy (2121 Sycamore Road), which wanted to move in to an approximate 2,600 sq. ft. space in the northerly building. In exchange for the City’s approval, the petitioner agreed to perform site improvements to another property they owned at 1700 Sycamore Road (NE corner of Sycamore Road and E. Dresser) including installing new LED lighting, resurfacing and restriping of the parking lot and additional landscaping.

There is 5,415 sq. ft. remaining in the northerly building and the petitioner would like to have an armed services recruiting office locate in a 2,933 sq. ft. tenant space in the building (2115 Sycamore Road). The basis for petitioner’s request is that despite owning and marketing the property for retail uses since the construction of the buildings on the site three years ago, they have been unable to secure retail users. The petitioner is requesting the amendments in order to preserve the economic viability of the center and be allowed to remove the square footage restriction on professional service office uses so they can bring in tenants that desire the location.

III. RECOMMENDATION

Staff would recommend approval of the proposed amendments, which will allow additional commercial uses in the building and help bring more tenants and foot traffic to the area. The subject site does share cross access with several other commercial uses including Advance Auto Parts, Ellwood Steak and Fish House, AT&T, and American Mattress, so additional traffic in that
area would be beneficial. A sample motion is provided below.

Sample Motion:

Based upon the submitted petition and testimony presented, I move that the Planning and Zoning Commission recommend to the City Council approval an amendment to the Annexation Agreement and amendment represented by Ordinance 2016-007 and 2016-039 to remove the maximum square footage allowed for “Professional Service Offices” in the Ordinances and to add “armed services recruiting stations” to the list of uses allowed under Professional Service Offices for the property located at 2061, 2112 and 2115 and 2121 Sycamore Road.
Vacant
2112 Sycamore Rd.

Proposed Armed Services Recruiting Station - 2115 Sycamore Rd.

ATL Physical Therapy
2121 Sycamore Rd.

VACANT SPACE
2,140 S.F.

RECRUITING SPACE
2,889 S.F.

TENANT SPACE
2,530 S.F.

NORTH
REZONING PETITION

TO: City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): Corral Dyn, L.L.C.
Petitioner's Representative: Marvin Keys
Mailing Address: 6801 Spring Creek Rd.
Rockford, IL 61114

Property Owner: Same as above
Mailing Address: ________________________________

Telephone: 815-229-3000
Cell: ________________
Email: marvin@firstmidwestgroup.com

1. The petitioner hereby petitions the City of DeKalb to rezone the following property:

   A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper: Lot 1 and Lot 2 of Puri DeKalb Subdivision, a Subdivision In Part of the Northwest Quarter of Section 13 Township 40 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois

   B. Street Address or Common Location: 2115 Sycamore Rd., DeKalb, IL

   C. Size (square feet or acres): 1.37 acres

   D. Existing Zoning District: PD-C

   E. Proposed Zoning District: SEE ATTACHED EXHIBIT

   F. Reason for request: On a separate piece of paper, describe the reasons for the rezoning request and the intended types of land uses, if any, for the property. Also, indicate whether or not the proposed rezoning would: a) be in conformance with the City's Comprehensive Plan and how the proposed rezoning may; b) impact adjacent existing and future land uses; c) impact adjacent property values; and d) impact the general public's health, safety and welfare.
2. The petitioner hereby submits the following information:

☑ Vicinity map of the area proposed for the special use

☑ List of current owner and mailing addresses of all property within 250 feet (exclusive of right-of-way) of the property proposed to be rezoned

☑ All files (e.g. site plans, building elevations, legal description, reasons for request) shall be provided on a CD, DVD or flash device that will become part of the application file

☑ Petition fee ($500.00)

3. The petitioner hereby states that a pre-application conference ☑ was ☐ was not held with City staff prior to the submittal of this petition.

*Date of pre-application conference: 7/24/2019

Those in attendance: ____________________________________________

*(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)

4. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the above information and affirms that it is true and correct.
6. Petitioner/property owner(s) hereby give the City of DeKalb permission to post a public notice sign(s) on the subject property.

Petitioner Signature 8-2-2019

Petitioner Signature

Subscribed and sworn to before me this 2ND day of AUGUST 2019.

Notary Public Signature

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Rezoning petition as described above (petitioner must sign if s/he is the owner).

Property Owner Signature 8-2-2019

Property Owner Signature

Subscribed and sworn to before me this 2ND day of AUGUST 2019.

Notary Public Signature

Updated: March 2017
E. The Petition is requesting an amendment to the Annexation Agreement and amendments represented by Ordinances 2016-007 and 2016-039 to eliminate the restriction on the total square footage of commercial space permitted to be devoted to Professional Service Offices and to add “armed services recruiting stations” to the permitted uses under Professional Service Offices.

The maximum floor area for Professional Service Offices in Ordinance 2016-039 is 6,120. This represents the total square footage of the buildings being occupied by Aspen Dental and ATI. Petitioner is requesting that the restriction on total square footage of commercial space permitted to be devoted to Professional Service Offices be eliminated.

F. The basis for Petitioner’s request is that despite owning and marketing the property for retail uses since the construction of the buildings on the site three years ago, Petitioner has been unable to secure the retail users. In order to preserve the economic viability of the center it is necessary that we increase the Professional Service Office square footage to be able to bring in tenants.

Increasing the permitted square footage of Professional Service Offices:

1. Would be in conformance with the City’s Comprehensive Plan.
2. Will not impact any of the adjacent existing of future uses.
3. Will not detrimentally impact adjacent property values.
4. Will not detrimentally impact the general public’s health, safety or welfare.