STATE OF ILLINOIS  )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB  )  

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 2020-020

APPROVING A SPECIAL USE PERMIT FOR A VEHICLE TOW FACILITY AND STORAGE YARD LOCATED AT 110 INDUSTRIAL DRIVE, DEKALB, ILLINOIS (J&S TRI-STATE RECOVERY AND TOWING).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 13th day of April 2020.

WITNESS my hand and the official seal of said City this 20th day of April 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
ORDINANCE 2020-020  
PASSED: APRIL 13, 2020

APPROVING A SPECIAL USE PERMIT FOR A VEHICLE TOW FACILITY AND STORAGE YARD LOCATED AT 110 INDUSTRIAL DRIVE, DEKALB, ILLINOIS (J&S TRI-STATE RECOVERY AND TOWING).

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, J&S Tri-State Recovery and Towing (herein referred to as "Petitioner"), has petitioned the City for approval of a special use permit to allow a vehicle tow facility and storage yard to be located at 110 Industrial Drive, DeKalb, Illinois, which is zoned "HI" Heavy Industrial (herein referred to as "Subject Property"); and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission on March 4, 2020; 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 special will comply with all regulations of the "HI" Heavy Industrial District and the Unified Development Ordinance (UDO). The storage yard will be screened with a 10-foot-high sight-proof fence per the UDO. The applicant will be required to stripe the parking area in compliance with the approved site plan, Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

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 "HI" Heavy Industrial for decades and the building where the proposed special use will locate has existed for several decades also. There are vehicle related uses and other commercial/industrial uses along Industrial Dive that include storage yards. A 10-foot sight-proof high fence will surround the outdoor storage yard. The nearest residential zoned property is approximately 270 feet away along the north side of E. Lincoln Highway.

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 granting of 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 industrial and commercial uses. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood.

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. The existing parking lot will be striped including the addition of a handicap space. A 10-foot-high sight-proof fence will be added around the vehicle storage area as required by the UDO.

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. The previous tenant space previously contained a sign shop. The proposed special use will take up a vacant commercial building along Industrial Drive and will be an economic benefit to the E. Lincoln Highway corridor. The parking lot will be striped and appropriate signage added meeting the requirements of the UDO.

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:

LOT 6-C IN THE RESUBDIVISION OF LOT 6-B OF LINCOLN INDUSTRIAL PARK, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK “O” OF PLATS, PAGE 73 AS DOC. NO. 348118, IN DEKALB COUNTY, ILLINOIS

The property is commonly known as 110 Industrial Drive, DeKalb, Illinois 60115, and has a Parcel Identification Number (“PIN”) of 08-24-354-002.

SECTION 3: The City’s corporate authorities grant a special use permit for the Subject Property for a vehicle tow facility and storage yard per the plans dated 3-13-20 prepared by J&S Tri-State Recovery and Towing, attached as Exhibit A, subject to the following conditions:

1. The applicant shall stripe the parking area in compliance with the approved site plan, Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

2. All activities related to the special use shall be within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater.

3. No stacking of vehicles.

4. No stacking of vehicle parts higher than 8 feet.

5. No storage of vehicles used in the operation of the business shall be parked outside the fenced area or on any unpaved surface.

6. No crushing of vehicles at the facility.

7. Abandoned and salvaged vehicles, except for those vehicles under the control of the Court of Law, shall not be kept on the property for more than 90 days.

8. A fire lane shall be provided in the storage yard per the requirements of the Fire Department.

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 effect 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.

SECTION 7: The City Clerk and/or Executive Assistant of the City of DeKalb, Illinois shall be authorized and directed to attest the Mayor's signature and record a copy of this Ordinance after its execution.


ATTEST:

RUTH A. SCOTT, Executive Assistant

JERRY SMITH, Mayor

CITY OF DEKALB
STATE OF ILLINOIS
March 5, 2020

City Of DeKalb City Council
200 S Fourth Street
DeKalb, IL 60115

Dear Mayor Smith and DeKalb City Council Members,

We Received a 5-0 Vote in support from the City of DeKalb Planning and Zoning Commission in regards to our special use permit request for a vehicle impound and storage facility located at 110 Industrial Dr in dekalb. I, Adrian Roscelli, request the DeKalb City Council to waive the second reading requirements and to accept the special use request upon first reading.

Thank you for your consideration in this matter.

Sincerely,
Adrian Roscelli
Operations Manager
J&S Tri-State Recovery & Towing
110 Industrial Dr.
DeKalb, IL 60115
(815)761-4151
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT
February 28, 2020

TO: DeKalb Planning and Zoning Commission
FROM: Dan Olson, Principal Planner
RE: Special Use Permit for a vehicle tow facility and storage yard located at 110 Industrial Dr. (J&S Tri-State Recovery and Towing)

I. GENERAL INFORMATION

A. Purpose
   Approval of a special use permit for a vehicle tow facility and storage yard

B. Location/Size
   110 Industrial Dr./.34 acres

C. Petitioner
   J&S Tri-State Recovery and Towing

D. Existing Zoning
   “HI” Heavy Industrial District

E. Existing Land Use
   Vacant commercial building

F. Proposed Land Use
   Vehicle tow facility and storage yard

G. Surrounding Zoning and Land Use
   North: HI; gas station
   South: HI; various commercial uses/vehicle repair
   East: HI and GC; various commercial uses
   West: LC; various commercial uses

H. Comprehensive Plan Designation
   Commercial
II. BACKGROUND AND ANALYSIS

The applicant is proposing to establish a vehicle tow facility and storage yard at 110 Industrial Dr. “Junkyards, salvage yards and vehicle wrecking yards” are designated as a special use in the “HI” Heavy Industrial District and approval of a special use permit is required. The UDO also requires that junkyards, salvage yards and vehicle wrecking yards have their activities within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater. The regulations also state no materials shall be piled or stacked to a height in excess of fifteen (15) feet above the ground level.

The building is a former sign shop (The Sign Shop of DeKalb). The applicant has submitted a site plan showing the proposed vehicle storage area, which will be mainly south of the existing building. Parking will be provided for five vehicles in front of the building, including a handicap space. A total of four parking spaces are required per the UDO based on the number of employees on the maximum shift. The parking spaces will have to be striped and a handicap space added with appropriate signage prior to final occupancy of the towing operation. A total of four tow trucks would be used initially and the applicant is going through the licensing process for towing operations located in Chapter 35 “Towing” of the Municipal Code.

In 2009 the City approved a special use permit for Lovett’s Towing at 1837 E. Lincoln Highway to allow for an expansion of the existing towing facility. In 2015, the City approved a special use permit for a vehicle tow and storage yard at 1888 State St. (Tri-State Towing). There were several conditions attached to both special uses including but not limited to:

- No stacking of vehicles.
- No stacking of vehicle parts higher than 8 feet.
- No storage of vehicles used in the operation of the business parked outside the fenced area.
- No crushing of vehicles at the facility.
- Abandoned and salvaged vehicles, except for those vehicles under the control of the Court of Law, shall not be kept on the property for more than 90 days.

Staff would suggest these conditions that were included with the special use permits for Lovett’s and Tri-State be added with the special use for this request. With special use permits the City can adopt conditions and we typically also look for improvements that can be made to bring the property into further compliance with the UDO. We are recommending the applicant stripe the parking area in compliance with the approved site plan, Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

III. STANDARDS OF A SPECIAL USE

1. The proposed special use complies with all provisions of the applicable district
The proposed special will comply with all regulations of the “HI” Heavy Industrial District and the Unified Development Ordinance (UDO). The storage yard will be screened with a 10-foot-high sight-proof fence per the UDO. The applicant will be required to stripe the parking area in compliance with the approved site plan, Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

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 “HI” Heavy Industrial for decades and the building where the proposed special use will locate has existed for several decades also. There are vehicle related uses and other commercial/industrial uses along Industrial Drive that include storage yards. A 10-foot sight-proof high fence will surround the outdoor storage yard. The nearest residential zoned property is approximately 270 feet away along the north side of E. Lincoln Highway.

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 granting of 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 industrial and commercial uses. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood.

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. The existing parking lot will be striped including the addition of a handicap space. A 10-foot-high sight-proof fence will be added around the vehicle storage area as required by the UDO.

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. The previous tenant space previously contained a sign shop. The proposed special use will take up a vacant commercial building along Industrial Drive and will be an economic benefit to the E. Lincoln Highway corridor. The parking lot will be striped and appropriate signage added meeting the requirements of the UDO.

IV. CITIZEN RESPONSE/COMMENTS

We received a Citizen Response Form from the current property owner, Stephanie Hankes, indicating her support for the request.

V. RECOMMENDATION

The staff would recommend approval and a sample motion has been prepared.

Sample Motion:

Based upon the submitted petition and testimony presented, I move that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a vehicle tow facility and storage yard located at 110 Industrial Dr. per the site plan received on 2-25-20 and labeled as Exhibit A and per the conditions listed in Exhibit B.
Exhibit B

1. The applicant shall stripe the parking area in compliance with the approved site plan, Unified Development Ordinance, City of DeKalb Municipal Code and the Illinois Accessibility Code prior to a final occupancy permit being issued for the special use.

2. All activities related to the special use shall be within an enclosed building or surrounded by a solid sight-proof fence not less than ten (10) feet in height, or the height of the materials being screened, whichever is greater.

3. No stacking of vehicles.

4. No stacking of vehicle parts higher than 8 feet.

5. No storage of vehicles used in the operation of the business shall be parked outside the fenced area or on any unpaved surface.

6. No crushing of vehicles at the facility.

7. Abandoned and salvaged vehicles, except for those vehicles under the control of the Court of Law, shall not be kept on the property for more than 90 days.
EXHIBIT A

Required Parking Spaces – 4 employees on the maximum shift – 4 spaces required
Provided Parking Spaces – 5
SPECIAL USE PERMIT PETITION

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

FROM: Petitioner Name(s): Joe Tri-State Recovery Phone: 815-761-4151 or
Petitioner's Representative: Andy Rosenson Email: JSSDisposal@gmail.com
Mailing Address: 700 N. North St.
Elgin, IL

Property Owner: Stephanie Hanes Phone: 630-308-0042
Mailing Address: 383 Quinnan Ave Email: Shanke78@hotmail.com
DeKalb, IL 60115

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

A. Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper:

B. Street Address or Common Location: 110 Industrial Dr.

C. Size of Property (square feet or acres): 15,000 SF

D. Existing Zoning: Heavy Industrial

E. Proposed Special Use: Impound and vehicle storage lot

F. Proposed Use and Description: On a separate document, describe the proposed use's characteristics. Also, indicate whether or not the proposed use would: a) Prevent development and use of neighboring property; b) impact adjacent existing and future land uses; c) impact adjacent property values; d) impact the general public's health, safety, and welfare; and e) be in conformance with all elements of the "UDO," Unified Development Ordinance

Updated: 9/2019
2. The petitioner hereby submits the following information:

☐ Vicinity map of the area proposed for the special use
☐ Petition fee ($500.00)
☐ 3 full size copies and an electronic copy on a disk of a site plan, which must show the following items (per the requirements of Article 14.03.03 of the UDO):

☐ Property dimensions
☐ Location and use of proposed structures
☐ Number and location of parking spaces and loading area
☐ Location and type of landscaping (including existing trees 6" in diameter or greater and existing tree masses
☐ Location, type, and height of fencing or walls
☐ Location and width of driveways and curb cuts; internal traffic patterns
☐ Floor area (square footage)
☐ Location of exterior lighting
☐ Location, type, and height of signage
☐ Direction of storm water flow, location of detention area

(Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans must eventually conform to other City standards prior to the issuance of any building permits or other permits.)

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: ________________________________
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.

[Signature]
Petitioner Signature

[Date] 5/30/2020
Date

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 Special Use Permit petition as described above (petitioner must sign if they are the owner).

[Signature]
Property Owner Signature

[Date] 01/30/2020
Date

Updated: 9/2019
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Wednesday, March 4, 2020, at 6:00 p.m. in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on the petition by J&S Tri-State Recovery and Towing, represented by Andy Bjornson, for a special use permit for a vehicle tow facility and storage yard located at 110 Industrial Dr. The subject site has a Parcel Identification Number (PIN) of 08-24-354-002 and is zoned “HI” Heavy Industrial.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 200 South Fourth Street, DeKalb, Illinois, 60115 by 5:00 p.m. on Wednesday, February 26, 2020. Further information regarding the petition is available from the Community Development Department at (815)748-2070 or on the City of DeKalb’s web page at https://www.cityofdekalb.com/1103/Public-Hearings.

Max Maxwell, Chairperson
DeKalb Planning and Zoning Commission
110 Industrial Dr – Special Use Permit
Citizen Response Form

Owners Name: Stephanie Hankee
Property Address: 110 Industrial Drive, Dekalb, IL 60115

Basic Input:

☑️ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________