

DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

REC FEE: 75.00

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

PAGES: 8

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 2020-041

MINIMAN DE DESIGNATION DE LA PROPERTIE DE LA P

APPROVING A REZONING FROM "CBD" CENTRAL BUSINESS DISTRICT TO "PD-C" PLANNED DEVELOPMENT – COMMERCIAL DISTRICT, AND APPROVING A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW FOR A BUILDING CONTRACTOR'S OFFICE AND MATERIALS STORAGE AT 421 GROVE STREET, DEKALB, ILLINOIS (CHRISTA AND MATT GEHRKE).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 22nd day of June 2020.

WITNESS my hand and the official seal of said City this 8th day of July 2020.

RUTH A. SCOTT, Executive Assistant

Prepared by and return to:

City of DeKalb City Manager's Office Attention: Ruth A. Scott 164 E. Lincoln Highway DeKalb, Illinois 60115 APPROVING A REZONING FROM "CBD" CENTRAL BUSINESS DISTRICT TO "PD-C" PLANNED DEVELOPMENT – COMMERCIAL DISTRICT, AND APPROVING A PRELIMINARY AND FINAL DEVELOPMENT PLAN TO ALLOW FOR A BUILDING CONTRACTOR'S OFFICE AND MATERIALS STORAGE AT 421 GROVE STREET, DEKALB, ILLINOIS (CHRISTA AND MATT GEHRKE).

PASSED: JUNE 22, 2020

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

WHEREAS, Christa and Matt Gehrke, (herein referred to as "Petitioner") of the property commonly known as 421 Grove St, DeKalb, Illinois (herein referred to as "Subject Property") has petitioned the City of DeKalb for approval of a zoning map amendment from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District; along with a Planned Development Preliminary and Final Plan, in order to allow for a contractor's office and material storage on the Subject Property; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on May 20, 2020; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for the rezoning for the Subject Property, 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 Planning and Zoning Commission of the City of DeKalb, finds that the proposed rezoning is in conformance with the applicable zoning factors contained therein, and finds that approval of the rezoning for the Subject Property is in the public interest and promotes the public health, safety and welfare subject to the conditions approved herein, and finds as follows:

STANDARDS OF REZONING

1. The proposed rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area. The proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding areas trend in development.

The 2005 Comprehensive Plan recommends the subject site for commercial use. The property has been listed for sale since 2013. The building's office area is being leased out to three business, however its underutilized. The proposed use of a building contractor's office and materials storage is consistent with the Comprehensive Plan and

the surrounding area. The proposed outdoor storage area will be screened from view from S. 5th St. by a fence. The proposed rezoning request will allow the redevelopment of a site that has remained mostly vacant and underutilized for seven years.

2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.

The rezoning of the subject property to PD-C provides the opportunity to more directly shape the development, use and appearance of this property in accordance with the City's UDO regulations and the Comprehensive Plan. The request involves a waiver to the Unified Development Ordinance for a Planned Development less than two acres, which has been granted in other locations in the downtown area. The proposal will meet all other regulations of the UDO and conditions are made part of the approval that will bring the site further into compliance with the UDO including re-striping the parking lot, painting the parking lot light poles and adding landscaping along S. 5th St. and S. 4th St.

3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.

The proposed rezoning should not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to a re-use of the property that is complementary with the adjacent area. The PD-C zoning will allow the outside storage of materials which will be screened from adjoining properties by a fence and landscaping. The applicant will be making improvements to the property including adding landscaping, striping the parking spaces, and painting the existing parking lot light poles.

4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.

The subject property is currently zoned "CBD" Central Business District. Rezoning the property to "PD-C" will allow the site to have outside storage in conjunction with the contractor's office. The rezoning will allow for flexibility by the applicant to develop the property in a manner that will be compatible with the surrounding neighborhood.

5. Adequate public facilities and services exist or can be provided.

Adequate public services are already provided to the subject property. There is a total of 22 parking spaces on-site and 18 spaces are required. In addition, the subject property lies within adequate service areas for other City services, such as police and fire protection.

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 legally described as follows:

PARCEL 1:

LOTS 4, 5, 6, 7, AND 8 IN BLOCK 23 IN THE ORIGINAL VILLAGE OF DEKALB. ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 19, 1853 IN BOOK "A" OF PLATS, PAGE 8 1/4 AND ACCORDING TO THE REPLAT OF LOT 6 IN BLOCK 23, RECORDED IN BOOK "F" OF PLATS, PAGE 1, TOGETHER WITH THAT PART OF VACATED 18 FOOT ALLEY RUNNING NORTHEASTERLY SOUTHWESTERLY THROUGH SAID BLOCK 23 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 3 OF SAID BLOCK 23; THENCE SOUTHERLY ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID VACATED ALLEY, A DISTANCE OF 132 FEET, MORE OR LESS, TO A POINT WHICH SAID POINT IS THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 23: THENCE EASTERLY A DISTANCE OF 18 FEET, MORE OR LESS, TO A POINT WHICH SAID POINT IS THE SOUTHWEST CORNER OF 6 OF SAID BLOCK 23: THENCE NORTHERLY A DISTANCE OF 132 FEET, MORE OR LESS, ALONG THE EASTERLY RIGHT OF WAY LINE OF SAID VACATED ALLEY. TO A POINT WHICH SAID POINT IS THE SOUTHWEST CORNER OF LOT 8 OF SAID BLOCK 23; THENCE WESTERLY A DISTANCE OF 18 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING. SITUATED IN DEKALB COUNTY, ILLINOIS.

The property is commonly known as 421 Grove Street, Dekalb, Illinois 60115, and has a Parcel Identification Number ("PIN") of 08-23-302-024

SECTION 3: A zoning map amendment from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District, a waiver to the Unified Development Ordinance for a Planned Development less than two acres, and approval of a preliminary and final development plan to accommodate a building contractor's office and materials storage on the Subject Property is hereby granted per the plan dated 5-15-20 and labeled as Exhibit A, Fence Detail Option #3 labeled as Exhibit B and per the conditions listed in Exhibit C.

SECTION 4: Recording Directed: The City Manager or his designee are authorized to record this Ordinance in the DeKalb County Recorder's Office.

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.

Ordinance 2020-041
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SECTION 6: That all provisions of the Unified Development Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law.

SECTION 7: That the City Clerk or the Executive Assistant of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's signature.

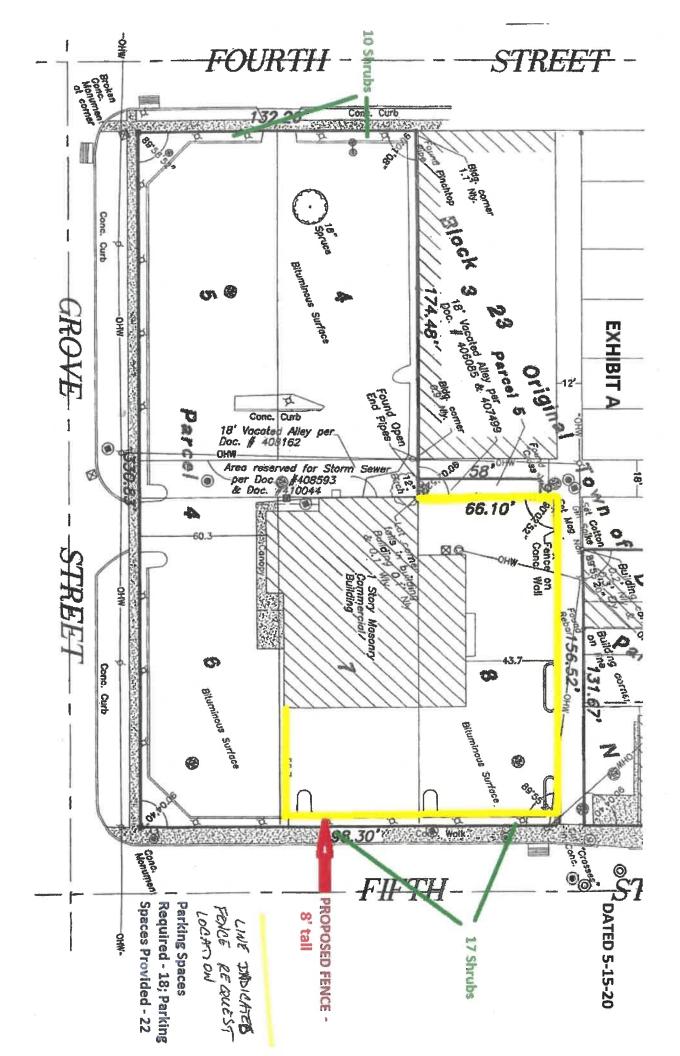
ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 22nd day of June 2020 and approved by me as Mayor on the same day. First Reading passed June 8, 2020 by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote on June 22, 2020. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:

RUTH A. SCOTT, Executive Assistant

JERRY SMITH, Mayor





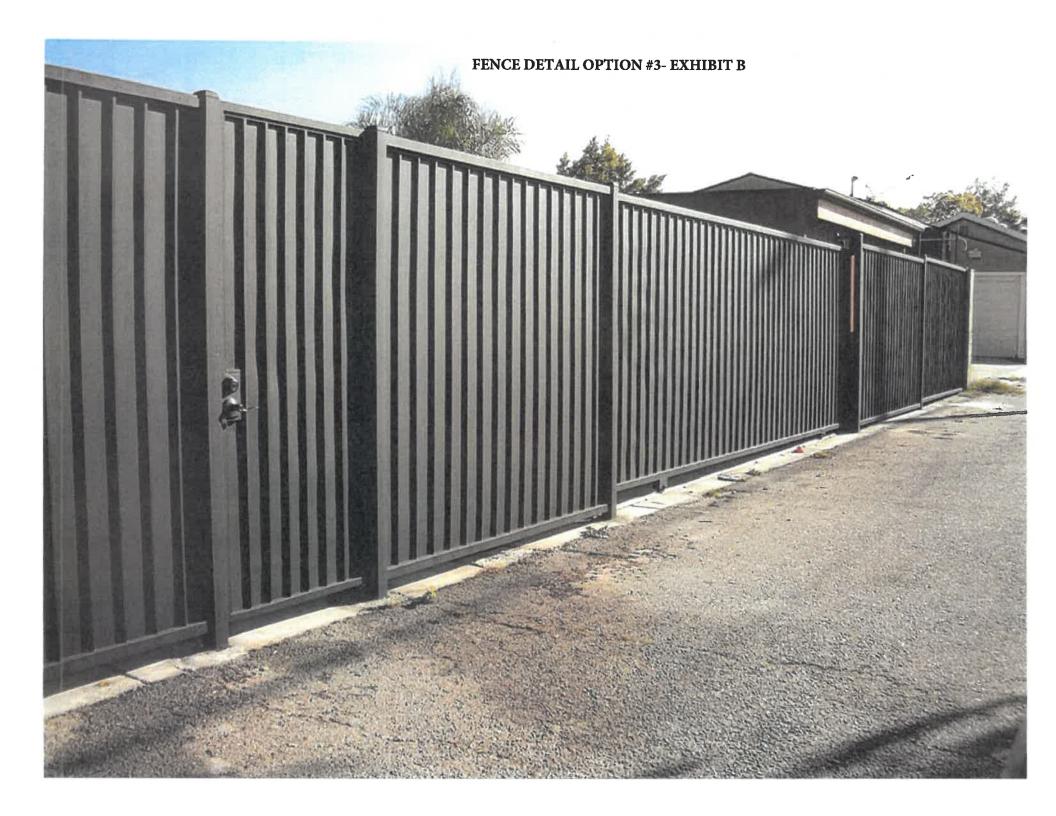
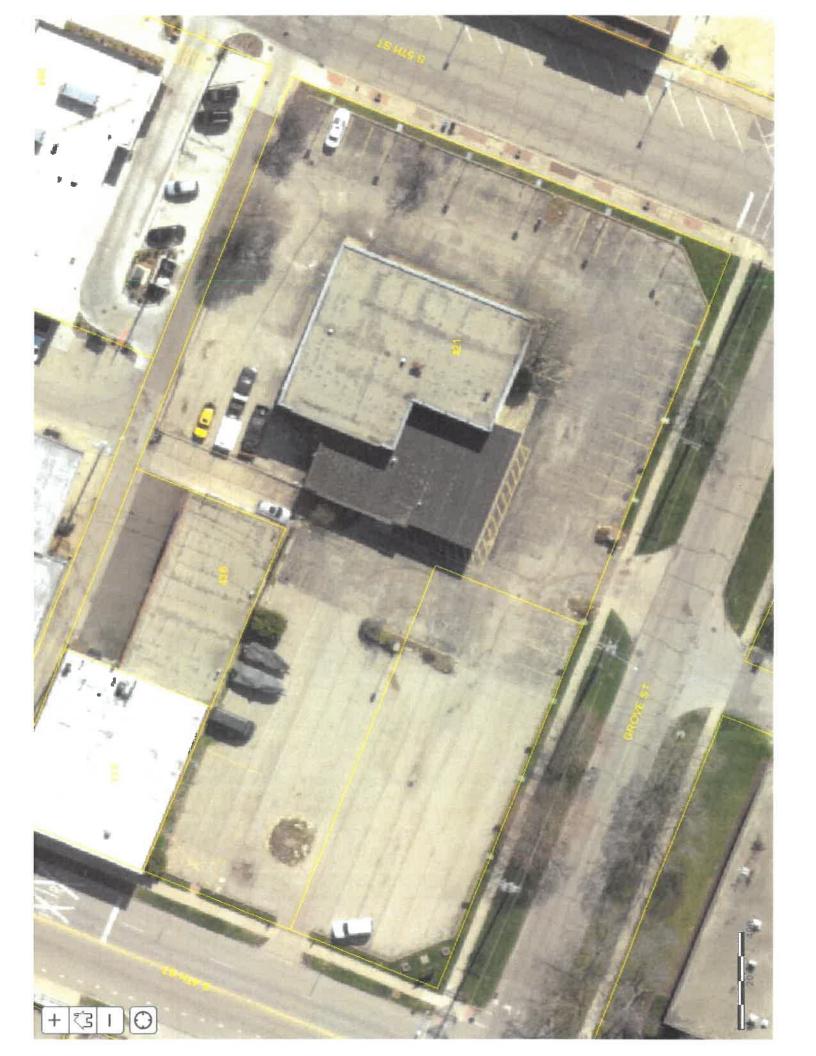


Exhibit C - Conditions

- 1. The storage of all materials must occur indoors or within the eight (8) foot high fenced area as shown on Exhibit A.
- 2. No stacking of construction materials higher than eight (8) feet.
- 3. The following items shall be completed within 30 days after final occupancy of the building. The time frame may be extended with the City Manager's approval.
 - a. Removal of the large bush in front of the handicap accessible parking space.
 - b. Stripe the required number of parking spaces (22) in compliance with the preliminary and final development plan labeled as Exhibit A, and per the Unified Development Ordinance, the City of DeKalb Municipal Code and the Illinois Accessibility Code.
 - c. Clean up the existing landscape areas and remove underbrush, including the area of the former 18" Spruce as shown on the preliminary and final development plan labeled as Exhibit A.
 - d. Plant a minimum of 17 shrubs (mix of deciduous, decorative and evergreen) along the fence line adjacent to S. 5th St. as shown on the preliminary and final development plan labeled as Exhibit A.
 - e. Plant a minimum of 10 shrubs (mix of deciduous, decorative and evergreen) along the S. 4th St. frontage as shown on the preliminary and final development plan labeled as Exhibit A.
 - f. Paint the parking lot light poles.







STAFF REPORT May 15, 2020

TO:

Planning and Zoning Commission

FROM:

Dan Olson, Principal Planner

RE:

Rezoning of 421 Grove St. from the "CBD" Central Business District to the

"PD-C" Planned Development - Commercial District; Approval of Preliminary and Final Development Plan (Christa and Matt Gehrke)

I. **GENERAL INFORMATION**

Α. Purpose Zoning Map Amendment from the "CBD" District to the "PD-C" District; Approval of a Preliminary and Final Development Plan to allow for a building contractor's office and materials storage

B. Owner/Applicant Timber Creek Properties, LLC/Christa

and Matt Gehrke

Location and Size C.

421 Grove St./1.24 acres

D. Existing Zoning and Land Use

"CBD" Central Business District: underutilized office space, indoor storage;

parking lot

E. Surrounding Zoning and Land Use North: CBD and PD-I; Various

Commercial Uses, Automotive Repair

South: CBD and RC-1; City Hall and

Single-Family Residential

East: CBD; Theater, Post Office

West: CBD; Various Commercial Uses,

City Parking Lot

F. Comprehensive Plan Designation Commercial



II. BACKGROUND AND ANALYSIS

Request/Background

The City has received a rezoning petition from Christa and Matt Gehrke to rezone the property at 421 Grove St. (northwest corner of S. 5th St. and Grove St.) from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District. The applicant is also requesting approval of a preliminary and final development plan. The applicant, Matt Gehrke with Swedberg Associates in Sycamore, is planning to move their contractor's office and materials storage area to the subject site. Under the current zoning classification (CBD), building contractor's office with materials storage is not specifically listed as permitted use or special use. In addition, the CBD District currently prohibits outside storage when a principal use. The proposed "PD-C" zoning will allow the applicant to have the building contractor's office with materials storage. The request also involves a waiver to the Unified Development Ordinance for a Planned Development less than two acres. The City has previous granted similar waivers for the Cornerstone and Plaza DeKalb projects.

The property is 1.24 acres and has a building that is mostly vacant and a parking lot around all four sides. The property has been listed for sale since 2013. The building's office area is being leased out to three business, however its underutilized. An engineering firm uses space in the building as an occasional field office, an architecture firm has some storage space and there is a pest control operation also in the building. In addition, the current owner rents the interior of the building for vehicle, RV and boat storage. For much of the time, the parking lot is empty throughout the day. If the rezoning is approved, the applicant will close on the property and the current leases will be terminated.

The outdoor materials storage will be located to the north and east of the building (see plan in packet). The applicant is proposing to construct an eight-foot-high fence along S. 5th St. and the rear alley to screen the construction materials that will be stored outside. The applicant has proposed two options for the fence materials. Option #1 consists of treated wood posts with wood framing with corrugated metal. Option #2 is a chain link fence with privacy slats, which provide about 90% screening. Staff would recommend Option #1, which provides a full screen and will be constructed of materials that will last longer and will be compatible with the surrounding area. With the construction of the fence, the applicant will be planting 17 shrubs along the S. 5th St. fence line. In addition, the applicant will be planting 10 shrubs along the S. 4th St. frontage to help increase the landscaping/buffering along that corridor.

There are 18 parking spaces required based upon the formula in the UDO for contractors' offices and shops. The formula is one parking spaces for every 300 sq. ft. of floor area of sales and office area, one space for every employee on the maximum shift, plus one space for every vehicle customarily used in the operation of the use or

stored on the premises. There will be 2,500 sq. ft. of office floor area, four employees on the maximum shift and six work vehicles used in the operation, which results in 18 required parking spaces. There is a total of 22 marked parking spaces on the lot, outside of the proposed fenced area. The large paved area generally between the building and S. 4th St. will not be striped at this time, as there is potential for a future commercial out-lot in that area.

The staff is recommending some conditions of the approval to bring the site further into compliance with the UDO including re-striping the parking lot, painting the parking lot light poles and adding landscaping along S. 5th St. and S. 4th St.

IV. STANDARDS FOR ZONING MAP AMENDMENT

1. The proposed rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area. The proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding areas trend in development.

The 2005 Comprehensive Plan recommends the subject site for commercial use. The property has been listed for sale since 2013. The building's office area is being leased out to three business, however its underutilized. The proposed use of a building contractor's office and materials storage is consistent with the Comprehensive Plan and the surrounding area. The proposed outdoor storage area will be screened from view from S. 5th St. by a fence. The proposed rezoning request will allow the redevelopment of a site that has remained mostly vacant and underutilized for seven years.

2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.

The rezoning of the subject property to PD-C provides the opportunity to more directly shape the development, use and appearance of this property in accordance with the City's UDO regulations and the Comprehensive Plan. The request involves a waiver to the Unified Development Ordinance for a Planned Development less than two acres, which has been granted in other locations in the downtown area. The proposal will meet all other regulations of the UDO and conditions are made part of the approval that will bring the site further into compliance with the UDO including re-striping the parking lot, painting the parking lot light poles and adding landscaping along S. 5th St. and S. 4th St.

3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.

The proposed rezoning should not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to a re-use of the property that is complementary with the adjacent area. The PD-C zoning will allow the outside storage of materials which will be screened from adjoining properties by a fence and landscaping.

The applicant will be making improvements to the property including adding landscaping, striping the parking spaces and painting the existing parking lot light poles.

4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.

The subject property is currently zoned "CBD" Central Business District. Rezoning the property to "PD-C" will allow the site to have outside storage in conjunction with the contractor's office. The rezoning will allow for flexibility by the applicant to develop the property in a manner that will be compatible with the surrounding neighborhood.

5. Adequate public facilities and services exist or can be provided.

Adequate public services are already provided to the subject property. There is a total of 22 parking spaces on-site and 18 spaces are required. In addition, the subject property lies within adequate service areas for other City services, such as police and fire protection.

V. PUBLIC INPUT

As of May 15, 2020, there has been no comments submitted to the City from the public regarding the proposal.

VI. RECOMMENDATION

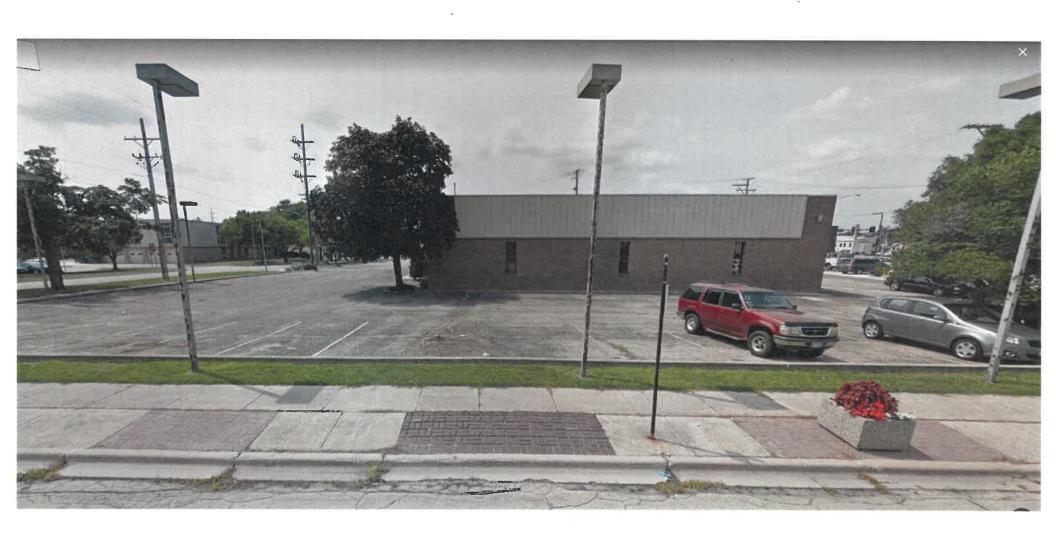
Sample Motion:

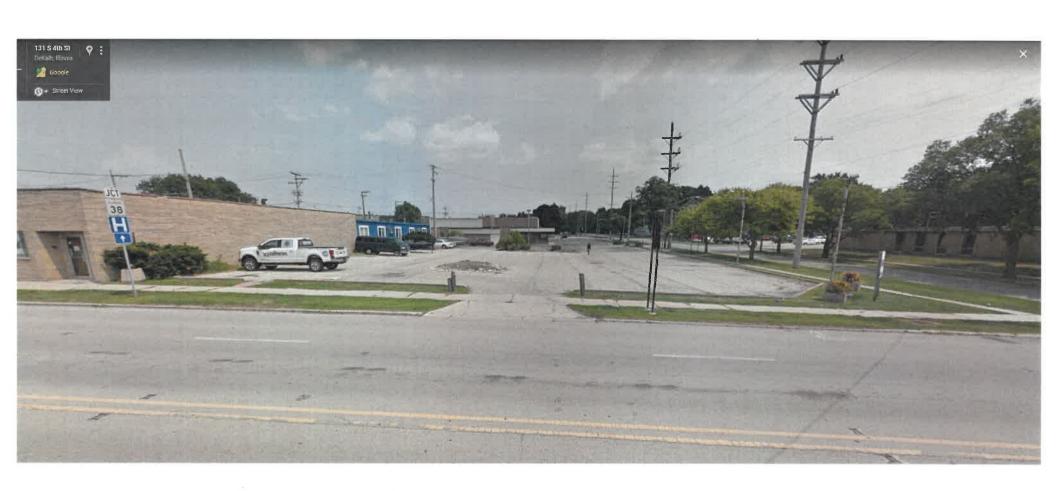
Based upon the submitted petition and testimony presented, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Zoning Map Amendment from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District; approval of a waiver to the Unified Development Ordinance for a Planned Development less than two acres and approval of a preliminary and final development plan to accommodate a building contractor's office and materials storage on the subject site at 421 Grove St. per the plan dated 5-15-20 and labeled as Exhibit A, Fence Detail Option #1 labeled as Exhibit B and per the conditions listed in Exhibit C.

Exhibit C - Conditions

- 1. The storage of all materials must occur indoors or within the eight (8) foot high fenced area as shown on Exhibit A.
- 2. No stacking of construction materials higher than eight (8) feet.
- 3. The following items shall be completed within 30 days after final occupancy of the building. The time frame may be extended with the City Manager's approval.
 - a. Removal of the large bush in front of the handicap accessible parking space.
 - b. Stripe the required number of parking spaces (22) in compliance with the preliminary and final development plan labeled as Exhibit A, and per the Unified Development Ordinance, the City of DeKalb Municipal Code and the Illinois Accessibility Code.
 - c. Clean up the existing landscape areas and remove underbrush, including the area of the former 18" Spruce as shown on the preliminary and final development plan labeled as Exhibit A.
 - d. Plant a minimum of 17 shrubs (mix of deciduous, decorative and evergreen) along the fence line adjacent to S. 5th St. as shown on the preliminary and final development plan labeled as Exhibit A.
 - e. Plant a minimum of 10 shrubs (mix of deciduous, decorative and evergreen) along the S. 4th St. frontage as shown on the preliminary and final development plan labeled as Exhibit A.
 - f. Paint the parking lot light poles.

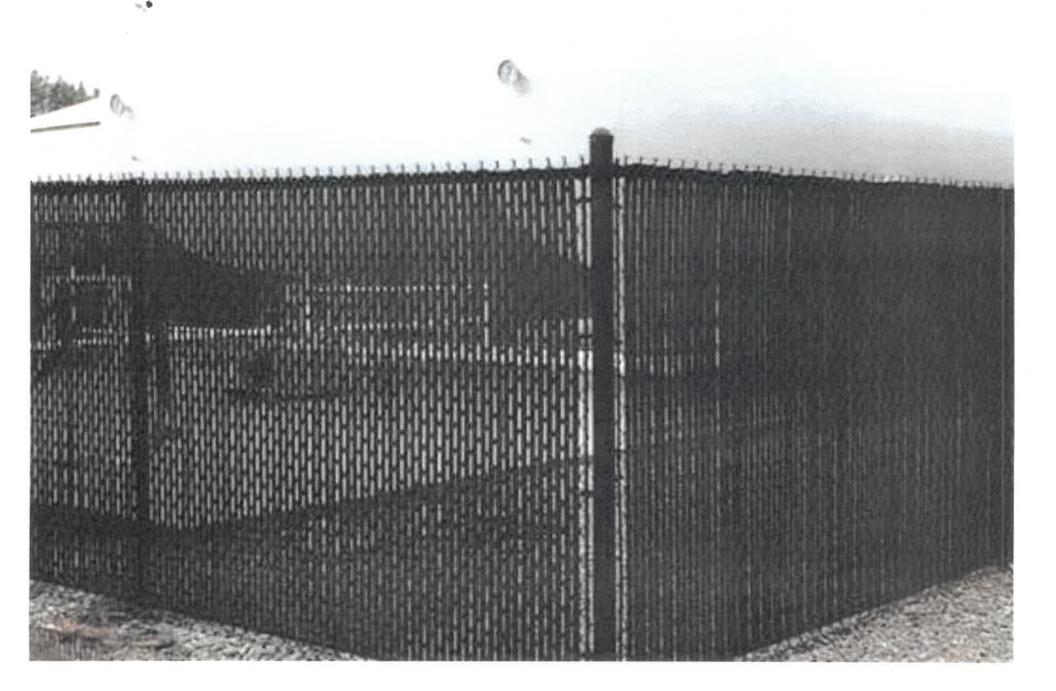














REZONING PETITION

City Council, City Clerk, and Mayor of the City of DeKelb, Illinois
CHEISTAT Pelitioner Name(s): MATT GEHEKE Phone: 81.5-73.9-6213 Petitioner's Representative: MATT GEHEKE Mailing Address: 15568 Rt. 23 DEYALIS TO: 60115
Property Owner: TIMBER CREEK PROPERTIES Phone: 815-97.3 - 1452 Mailing Address: 698 TIM ISER CREEK RD. Email: Awaber & Wenderless. com DIX DW TL.
litioner hereby pelitions the City of DeKalb to rezone the following property:
pal Description and Parcel Number(s) — If necessary, attach the full legal description on a separate piece paper. PIENSE SEE ATTACHED
eel Address or Common Location: 421 GBDCE STRRET
e of Property (square feet or acres): 1.24 Actes
sting Zoning: CBD COUTRAL BUSINESS DISTRICT
posed Zoning: PDC PLAWNED DEVELOPEINENT COMMEDIAL PACENTED ACCORDING BUILDING CONTRACTORS OFFICE + MATELIAL STORAGE BEON for request: On a separate document, describe the reasons for the rezoning request and the intended f land uses, if any, for the property. Also, indicate whether or not the proposed rezoning would: a) be in nance with the City's Comprehensive Plan and how the proposed rezoning may; b) impact adjacent property values; and d) impact the general public's health, safety litere.

Updated: 9/2019



2. The petitioner hereby submits the following information:

Vicinity map of the area proposed for the rezoning

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

	economically of a CD, DYD or make that the Docume part of the application (inc.
	Potition (se (\$500.00),
3. The	patitioner hereby states that a pre-application conference \boxtimes was not held with City staff prior to the smittal of this petition. $I-I7-ZOONSIE$
	*Date of pre-application conference: 1-29-20 IN CITY OFFICE
	Those in altendance: BILL NICKLAS DAN GLSEN, MATT GEHEKE
	(Note to Patitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this patition.)
	e pelitioner hereby agrees that this pelition will be placed on the Planning Zoning Commission's agends only il s completed in full and submitted in advance of established deadlines.
5. Th	e pelitioner has read and completed all of the information and affirms that it is true and correct.
71	latter 21. Schike 4-28-20
Pauto	ner Signature Data
subjec	by affirm that I am the legal owner (or authorized agent or representative of the owner — proof attached) of the A property and authorize the petitioner to pursue this Rezoning petition as described above (petitionar must they are the owner).

Property Owner Stornstore

April 29, 2020

Date

I HAVE A CONVAMENT TO BUY SAID BUILDING. I DO NOT OWN IT YET. - MG



Since 1927

1135 East State Street, P.O. Box 333 Sycamore, Illinois 60178-0333 815/895-9116 Fax 815/895-9324

Rezoning Petition
April 30, 2020
To: City Counsel, City Clerk, and Mayor of DeKalb
Attention: Dan Olsen

Reason for Request:

My wife Christa and I would like to move our 90+year old Construction Company to DeKalb II. I was raised here, Christa and I met here. We both went to NIU. Currently our farm is in DeKalb and our kids attend school here. We recently attained 100% Ownership of Swedberg and Associates currently located in Sycamore. I have been an owner for nearly 10 years. In that time, we have increased our share almost 400% We are a growing Construction Company that is looking to continue growth. The location of 421 Grove Street looks to be an ideal place for us to do business. The office space attached to the connected warehouse is perfect for our operation and gives us room to grow into. However, that being said, there is one lack of space. Outside storage. We would like to build a fence from the southern most face of the building North along Fifth Street to encompass the entire lot east and north of the current building footprint. We want to be good neighbors but need a little extra room to park trailers, trucks Construction Machines, etc.

Additional Information from Petition Request:

- a. We believe this use is still in accordance with the City of DeKalb's Comprehensive Plan.
- b. We believe there to be no impact on adjacent land uses now or in the foreseeable future.
- c. We believe this will have a positive impact on adjacent land values as we will rehab a derelict structure which has been empty for years.
- d. By adding a construction Company to the heart of DeKalb, there will be a benefit to the welfare of the cities population. We will bring jobs to the area. We will purchase goods in the vicinity. We will add minimal traffic to the area as our construction crews work off site.

Thank you for your time. We hope to become great neighbors and extend relationships within the community.

Matthew H. Gehrke President Swedberg and Associates, Inc. 815/895-9116 815/739-6293 mgehrke@swedbergs.com

Since 1927