



2020009548

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 9/17/2020 02:15 PM
REC FEE: 55.00

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

PAGES: 4

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 2020-058

APPROVING THE REZONING OF 822 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS, FROM "TFR" TWO-FAMILY RESIDENTIAL DISTRICT TO "LC" LIGHT COMMERCIAL DISTRICT (KELLY AND NATALIE DIEHL).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 14th day of September 2020.

WITNESS my hand and the official seal of said City this 16th day of September 2020.

RUTH A. SCOTT, Executive Assistant

Prepared by: + Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115



APPROVING THE REZONING OF 822 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS, FROM "TFR" TWO-FAMILY RESIDENTIAL DISTRICT TO "LC" LIGHT COMMERCIAL DISTRICT (KELLY AND NATALIE DIEHL).

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, Kelly and Natalia Diehl (herein referred to as "Petitioner"), the owners of the property commonly known as 822 E. Lincoln Highway, DeKalb, Illinois (herein referred to as "Subject Property"), have petitioned the City of DeKalb for approval of a zoning map amendment from the "TFR" Two Family Residential District to the "LC" Light Commercial District in order to establish a parking area on the Subject Property; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on September 8, 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 Medium Density Residential, however the former residential structure on the site was demolished in 2019. The site to the east at 830 E. Lincoln Highway is zoned "LC" Light Commercial District and contains a commercial building but the lot is not large enough to accommodate adequate parking for a business. The proposed use of the subject site for a parking lot that will serve the commercial property to the east is consistent with the Comprehensive Plan and the surrounding area. The proposed parking lot will be screened from view from the residences to the west and east.

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

The rezoning of the subject property to the "LC" Light Commercial District is requested in order to accommodate a parking area that will serve a commercial business directly to the east of the subject site. The proposal will meet all the regulations of the UDO for the "LC" District.

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 will not have a detrimental effect on the adjacent properties or land uses as it allows the subject property to accommodate a parking lot that will serve a small commercial parcel to the east of the site. In addition, there is "LC", "GC" General Commercial and "LI" Light Industrial zoning directly across E. Lincoln Highway. The parking lot will be required to be screened by a six-foot-high sight-proof fence along the west and east sides of the lot since there is adjacent residential uses. In addition, landscaping will be required around the perimeter of the site.

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 "TFR" Two-Family Residential District. Rezoning the property to the "LC" Light Commercial District and the construction of a parking area will allow a business to locate in the adjacent commercial building at 830 E. Lincoln Highway.

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

The site will accommodate parking spaces for an associated business located directly to the east of the site at 830 E. Lincoln Highway. There is a total of 11 parking spaces that will be provided on the site and the lot to the east with seven parking spaces required. Other public services are already provided to the subject property.

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:

LOT 5 IN THE SUBDIVISION OF (SAMUEL) PETERSON'S RESUBDIVISION OF BLOCK 50 OF JONES' ADDITION TO DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "C" OF PLATS, PAGE 9 ON APRIL 6, 1989, IN DEKALB COUNTY, ILLINOIS. (EXCEPTING THEREFROM THE FOLLOWING: A PARCEL OF LAND IN SUBDIVISION OF LOT 5 OF SAMUEL PETERSON'S RESUBDIVISION OF BLOCK 50 OF JONES ADDITION TO THE CITY OF DEKALB AS RECORDED IN BOOK "C" OF PLATS, AT PAGE 9 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS, SAID ADDITION BEING SITUATED IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, SAID PARCEL BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF SAID SUBDIVISION LOT 5; THENCE SOUTHERLY ON THE EASTERLY LINE OF SAID SUBDIVISION LOT 5, SAID LINE HAVING A BEARING OF SOUTH 0 DEGREES 07 MINUTES 06 SECONDS EAST A DISTANCE OF 2.38 FEET TO A POINT; THENCE NORTHWESTERLY ON A LINE HAVING A BEARING OF NORTH 65 DEGREES 32 MINUTES 21 SECONDS WEST, A DISTANCE OF 21.93 FEET TO A POINT IN THE WESTERLY LINE OF SAID SUBDIVISION LOT 5; THENCE NORTHEASTERLY ON SAID WESTERLY LINE OF SUBDIVISION OF LOT 5, SAID LINE

HAVING A BEARING OF NORTH 22 DEGREES 19 MINUTES 11 SECONDS EAST, A DISTANCE OF 1.31 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBDIVISION LOT 5; THENCE SOUTHEASTERLY ON THE NORTHERLY LINE OF SAID SUBDIVISION LOT 5, SAID LINE HAVING A BEARING OF SOUTH 6 DEGREES 52 MINUTES 09 SECONDS EAST, A DISTANCE OF 21.01 FEET TO THE POINT OF BEGINNING).

The property is commonly known as 822 E. Lincoln Highway, DeKalb, Illinois 60115, and has a Parcel Identification Number ("PIN") of 08-23-336-006

SECTION 3: A zoning map amendment from the "TFR" Two Family Residential District to the "LC" Light Commercial District is hereby granted for the Subject Property located at 822 E. Lincoln Highway.

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.

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. The City Clerk or Executive Assistant shall record a copy of this Ordinance included herein after execution of this Ordinance.

SECTION 7: That City Clerk and/or the Executive Assistant be authorized 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 14th day of September 2020 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, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:


RUTH A. SCOTT, Executive Assistant


JERRY SMITH, Mayor



*not needed;
for backup only*

September 9, 2020

Mayor Jerry Smith

City council

City of DeKalb

200 S. 4th Street

DeKalb IL 60115

Re: 822 E. Lincoln Highway Re-Zoning request

Request to waive second hearing.

Dear Mayor Smith and City Council:

On September 8th, the DeKalb Planning and Zoning Commission conducted a public hearing regarding re-zoning the property located at 822 E. Lincoln Highway to allow for a parking lot to be constructed. There were no objections raised to the request and all of the attending members by either phone or in person recommended approval. Accordingly, Kelly and Natalia Diehl respectfully request waiver of the second reading requirements, and that the City Council approve the Re-Zoning request at its September 14th City Council meeting.

We very much are looking to become part of the community and would appreciate your cooperation in this matter. If there are any questions regarding this request, or if more information is needed please feel free to contact me by any means.

Thank You,



Kelly Diehl

President / Owner

Coffee OutHouse LLC

630-687-4546

Kelly@CoffeeOutHouse.com



STAFF REPORT
September 3, 2020

TO: Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: Rezoning of 822 E. Lincoln Highway from the "TFR" Two-Family Residential District to the "LC" Light Commercial District (Kelly and Natalia Diehl)

I. GENERAL INFORMATION

- | | | |
|----|---------------------------------|--|
| A. | Purpose | Zoning Map Amendment from the "TFR" District to the "LC" District in order to establish a parking area in association with a proposed coffee shop at 830 E. Lincoln Highway. |
| B. | Owner/Applicant | Kelly and Natalia Diehl |
| C. | Location and Size | 822 E. Lincoln Highway/.18 acres |
| D. | Existing Zoning and Land Use | "TFR" Two Family Residential; vacant lot |
| E. | Surrounding Zoning and Land Use | <u>North:</u> GC and LI; Residential, various commercial uses
<u>South:</u> SFR2, TFR; Single-family residential and two-family residential
<u>East:</u> LC and TFR; Vacant commercial building and two-family residential
<u>West:</u> TFR; Two-family residential |
| F. | Comprehensive Plan Designation | Medium Density Residential |



II. BACKGROUND AND ANALYSIS

Request/Background

The City has received a rezoning petition from Kelly and Natalia Diehl to rezone the property at 822 E. Lincoln Highway from the "TFR" Two-Family Residential District to the "LC" Light Commercial District. The 8,260 sq. ft. lot is currently vacant. In 2017 the City condemned the property, which had a two-story home on it that fell into disrepair. In 2018 the City took title to the property and in October 2019 the City had the former structure on the site demolished. The City then sold the property to Kelly and Natalia Diehl in November 2019. The Diehl's also own the property to the east at 830 E. Lincoln Highway, which has a commercial building on it which previously contained a beauty salon.

The applicant plans to establish a coffee shop inside the building at 830 E. Lincoln Highway. The lot at 830 E. Lincoln Highway is only .12 acres and has limited area for adequate parking. The vacant lot at 822 E. Lincoln Highway will be able to provide the necessary parking to accommodate the proposed coffee shop. The subject site needs to be rezoned to the "LC" Light Commercial District to allow the commercial parking lot.

A preliminary layout has been developed for the parking area on the vacant lot at 822 E. Lincoln Highway. Approximately 10 parking spaces can be provided on the site with access coming off E. Lincoln Highway and vehicles exiting through the alley to the south. A total of seven parking spaces are required for the coffee shop based upon the formula of one space for every three seats (15 seats) plus one spaces for every employee on the maximum shift (2). The applicant will be required to submit a permit application and more detailed plans to the City in order to construct the parking lot. At that time a more in-depth review will occur to ensure the proposed parking area meets the UDO requirements. A handicap parking space will be added just to the east of the building at 830 E. Lincoln Highway.

Approval of the rezoning will allow the subject property to contain a parking lot that will serve a small commercial parcel to the east of the site. The development of the vacant lot into a parking area for an adjacent business will be a benefit to the E. Lincoln Highway Corridor. The proposed rezoning of the subject site to the "LC" Light Commercial District is consistent with the zoning in the surrounding area which includes "LC", "GC" and "LI" zoning. In addition, the proposed parking lot will be screened from view from the residences to the west and east by a six-foot-high sight-proof fence with landscaping.

Please note the Commission's recommendation does not include approval of a specific parking lot plan.

III. STANDARDS FOR A 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 Medium Density Residential, however the former residential structure on the site was demolished in 2019. The site to the east at 830 E. Lincoln Highway is zoned "LC" Light Commercial District and contains a commercial building but the lot is not large enough to accommodate adequate parking for a business. The proposed use of the subject site for a parking lot that will serve the commercial property to the east is consistent with the Comprehensive Plan and the surrounding area. The proposed parking lot will be screened from view from the residences to the west and east.

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

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

The site will accommodate parking spaces for an associated business located directly to the east of the site at 830 E. Lincoln Highway. There is a total of 11 parking spaces that will be provided on the site and the lot to the east with seven parking spaces required. Other public services are already provided to the subject property.

IV. PUBLIC INPUT

As of September 3, 2020, there has been no comments submitted to the City from the public regarding the proposal.

V. 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 "TFR" Two-Family Residential District to the "LC" Light Commercial District on the subject site located at 822 E. Lincoln Highway.

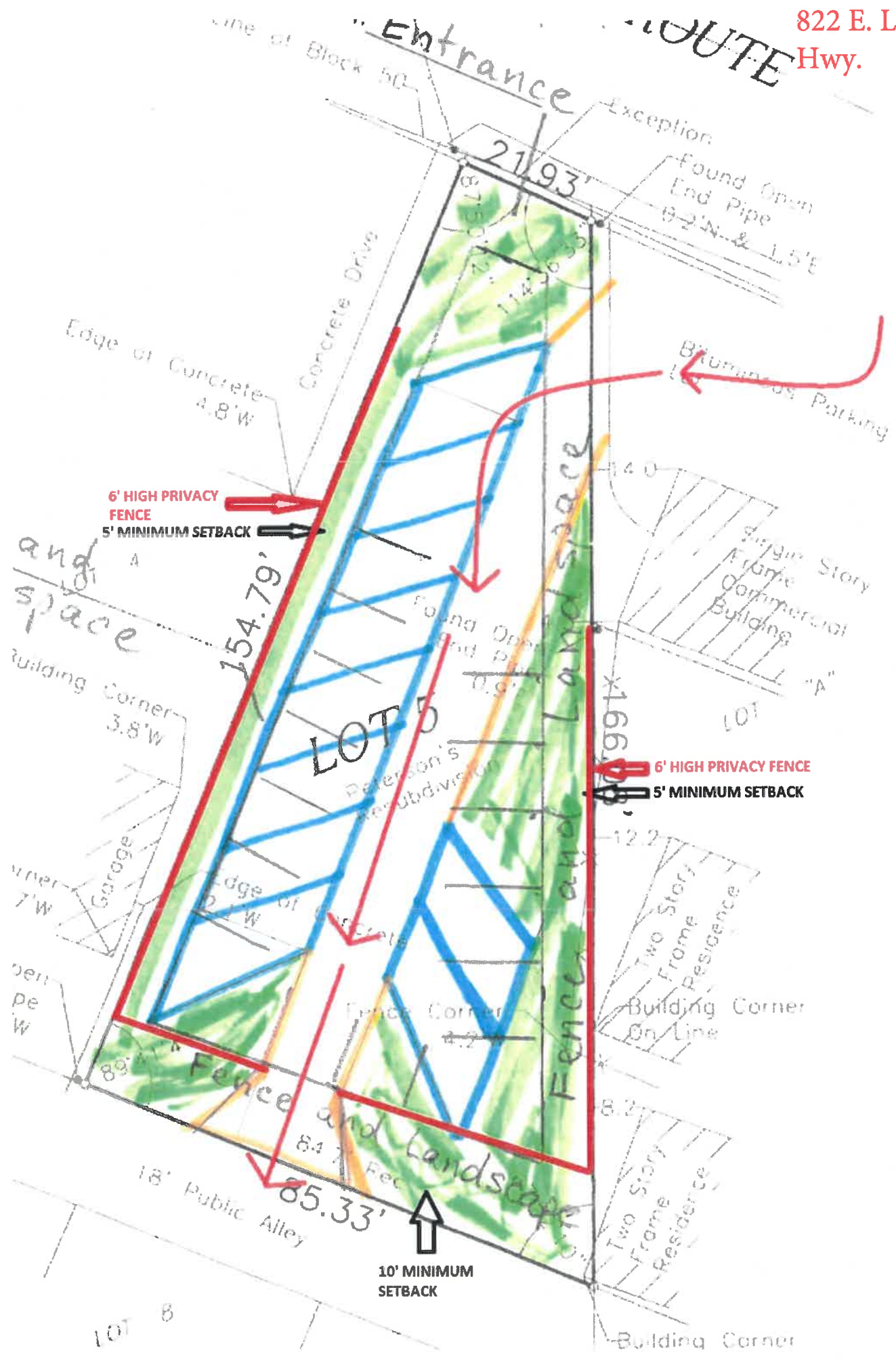


822 E. Lincoln Hwy.

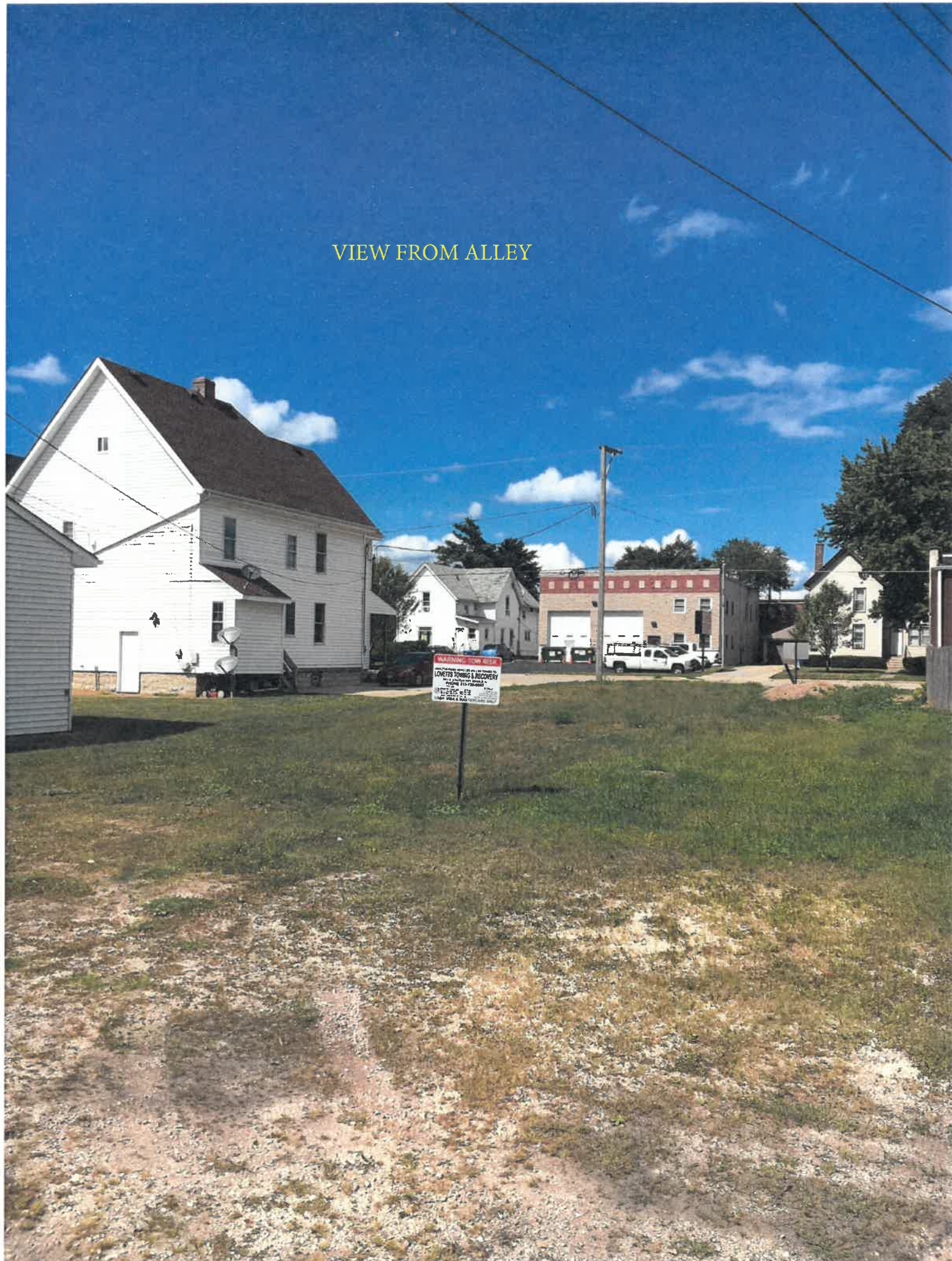
Entrance

ROUTE

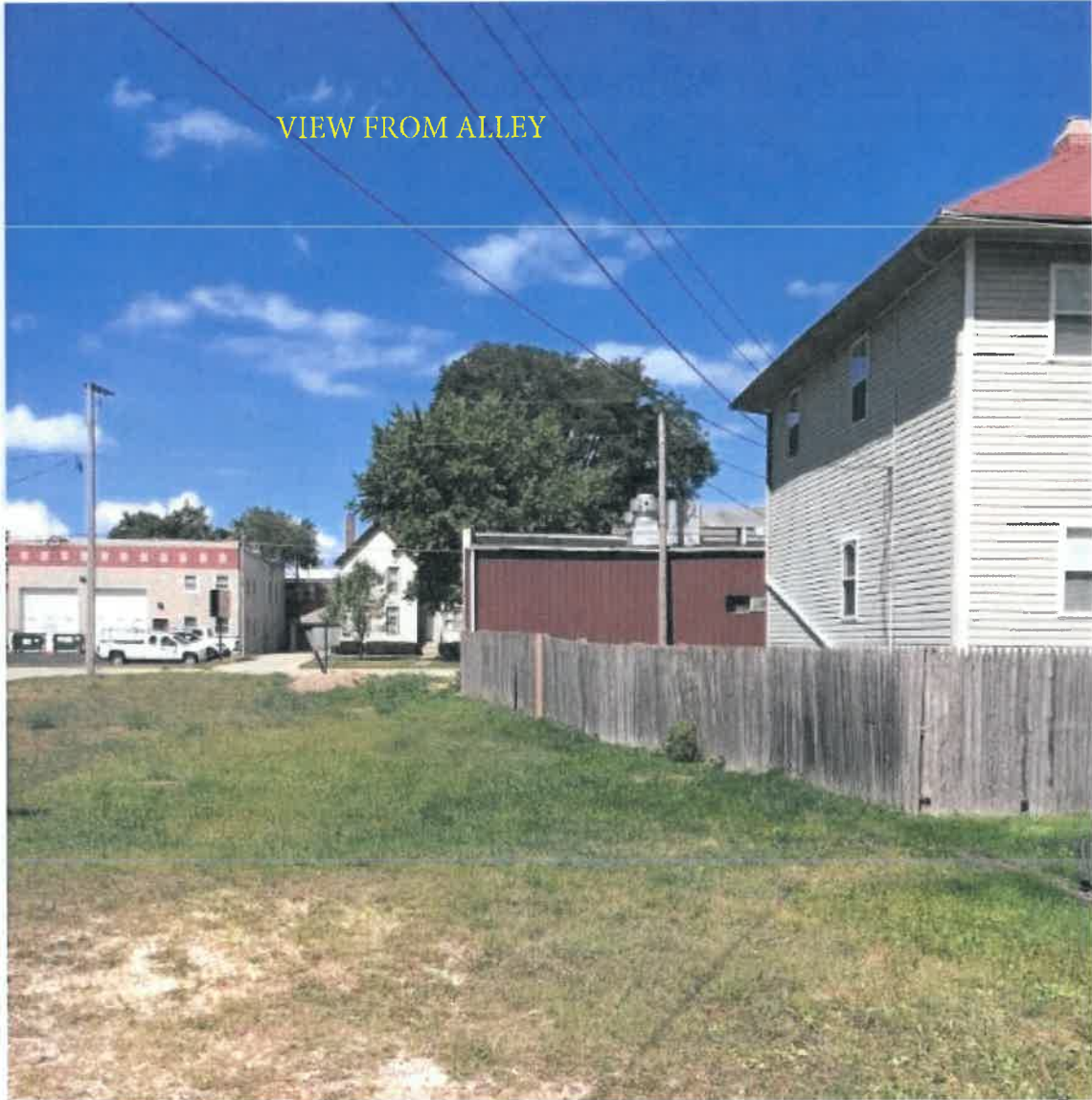
Northerly



VIEW FROM ALLEY



VIEW FROM ALLEY

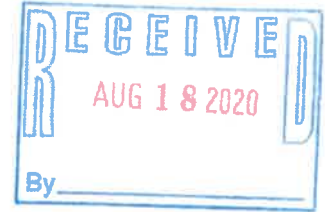


VIEW FROM E. LINCOLN HWY.



VIEW FROM E. LINCOLN HWY.





REZONING PETITION

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

FROM: Petitioner Name(s): kelly Diehl NATALIA Diehl Phone: 630-687-4546
Petitioner's Representative: self Email: kelly@diehllandscape.com
Mailing Address: 43W991 Fox Wilds Drive, St Charles 60175

Property Owner: Kelly Diehl & NATALIA Diehl Phone: 630-687-4546
Mailing Address: 43W991 Fox Wilds Drive, St Charles 60175 Email: kelly@diehllandscape.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:

PIN 08-23-336-006 Containing 8260 square feet in a fairly triangular shape

LOT 5

see ATTACHED PAGES

B. Street Address or Common Location: 822 E. Lincoln Hwy., Dekalb

C. Size of Property (square feet or acres): 8,260 Square Feet

D. Existing Zoning: TFR

E. Proposed Zoning: LC

F. Reason for request: On a separate document, 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.

~~See Plan For a Parking Lot with a drive~~
see ATTACHED NOTES,



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 electronically 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: a few weeks up to 8/10/20

Those in attendance: Online with Dan Olson

(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 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 information and affirms that it is true and correct.

Kelly Diehl

Petitioner Signature

Natalie Diehl

8/10/20

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 Rezoning petition as described above (petitioner must sign if they are the owner).

Kelly Diehl

Property Owner Signature

Natalie Diehl

8/10/20

Date

SPECIAL WARRANTY DEED

Illinois Statutory

JOHN HOSCHETT
MAIL TO: 1001 E. MAIN ST. STE G
ST. CHARLES, IL 60174
~~Coffee Outhouse, LLC~~
43W991 Fox Wilds Dr.
St. Charles, IL 60175

Above space for Recorder's Use

SEND SUBSEQUENT TAX BILLS
TO: ~~Grantor~~
KOLY DIEHL AND NATALIA DIEHL
~~Coffee Outhouse, LLC~~
43W991 Fox Wilds Dr.
St. Charles, IL 60175

THE GRANTOR, CITY OF DEKALB, an Illinois home rule municipal corporation, with its office located at 200 South Fourth Street, City of DeKalb, County of DeKalb and State of Illinois, given under the hand of the Mayor of the City of DeKalb, and for \$12,500.00 and other valuable consideration, CONVEYS and WARRANTS to the GRANTEE ~~Coffee Outhouse, LLC, an Illinois limited liability company~~, with an address located at 43W991 Fox Wilds Dr., St. Charles, IL 60175, all interest in the following described Real Estate situated in the County of DeKalb and in the State of Illinois, to-wit:

~~& KOLY DIEHL AND NATALIA DIEHL~~ HUSBAND & WIFE AS JOINT TENANTS

LOT 5 IN THE SUBDIVISION OF (SAMUEL) PETERSON'S RESUBDIVISION OF BLOCK 50 OF JONES' ADDITION TO DEKALB, ACCORDING TO PLAT THEREOF RECORDED IN BOOK "C" OF PLATS, PAGE 9, ON APRIL 6, 1989, IN DEKALB COUNTY, ILLINOIS. (EXCEPTING THEREFROM THE FOLLOWING: A PARCEL OF LAND IN SUBDIVISION OF LOT 5 IN THE SUBDIVISION OF SAMUEL PETERSON'S RESUBDIVISION OF BLOCK 50 OF JONES' ADDITION TO DEKALB AS RECORDED IN BOOK "C" OF PLATS, AT PAGE 9 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS, SAID ADDITION BEING SITUATED IN THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, SAID PARCEL BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF SAID SUBDIVISION OF LOT 5; THENCE SOUTHERNLY ON THE EASTERLY LINE OF SAID SUBDIVISION LOT 5, SAID LINE HAVING A BEARING OF SOUTH 0 DEGREES 07 MINUTES 06 SECONDS EAST, A DISTANCE OF 2.38 FEET TO A POINT; THENCE NORTHWESTERLY ON A LINE HAVING A BEARING OF NORTH 65 DEGREES 32 MINUTES 21 SECONDS WEST, A DISTANCE OF 21.93 FEET TO A POINT IN THE WESTERLY LINE OF SAID SUBDIVISION LOT 5; THENCE NORTHEASTERLY ON SAID WESTERLY LINE OF SUBDIVISION LOT 5, SAID LINE HAVING A BEARING OF NORTH 22 DEGREES 19 MINUTES 11 SECONDS EAST, A DISTANCE OF 1.31 FEET TO THE NORTHWESTERLY CORNER OF SAID SUBDIVISION LOT 5; THENCE SOUTHEASTERLY ON THE NORTHERNLY LINE OF SAID SUBDIVISION LOT 5, SAID LINE HAVING A BEARING OF SOUTH 67 DEGREES 52 MINUTES 09 SECONDS EAST, A DISTANCE OF 21.01 FEET TO THE BEGINNING).

Commonly known as 822 E. Lincoln Highway, DeKalb, Illinois 60115

PIN 08-23-336-006

subject to any and all public utility easements, public service facilities, City water and sewer facilities and/or

The reason for our request to rezone the lot at 822 E. Lincoln Hwy., is to make a parking lot for a coffee house we would like to open adjacent to the lot at 830 E. Lincoln Hwy., and without it, we will not be able to open the business. This business will provide jobs for people in the community, Tax revenue, and beautify the two properties from their current state. We believe the impact will be positive on property values in the area and will not cause any health concerns. All guidelines for the lot will be followed and adhered to . All safety measures will be taken and landscape added to beautify lot with fence to minimize its visual appearance to surrounding houses.

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 Tuesday, September 8, 2020 at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by Kelly and Natalia Diehl for approval of a zoning map amendment from the "TFR" Two-Family Residential District to the "LC" Light Commercial District for the property located at 822 E. Lincoln Highway. The intent is to establish a parking area in association with a proposed business at 830 E. Lincoln Highway. The subject property has a Parcel Identification Number (PIN) of 08-23-336-006.

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, 164 E. Lincoln Highway, DeKalb, Illinois, 60115, by e-mail to dan.olson@cityofdekalb.com or the Online Public Comment Submission Form at <https://www.cityofdekalb.com/FormCenter> by 5:00 p.m. on the Friday prior to the hearing. 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, Chair

DeKalb Planning and Zoning Commission