



2020013613

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 12/17/2020 01:12 PM
REC FEE: 75.00

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

PAGES: 6

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 2020-073

APPROVING A SPECIAL USE PERMIT TO ALLOW TRUCK AND TRAILER RENTAL STORAGE AT 1011-1027 W. HILLCREST DRIVE, DEKALB, ILLINOIS (U-HAUL).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 23rd day of November 2020.

WITNESS my hand and the official seal of said City this 17th day of December 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 SPECIAL USE PERMIT TO ALLOW TRUCK AND TRAILER RENTAL STORAGE AT 1011-1027 W. HILLCREST DRIVE, DEKALB, ILLINOIS (U-HAUL).

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, Hunter 1011-1027 Hillcrest LLC, the owner of the property located at 1011-1027 W. Hillcrest Drive, DeKalb, Illinois (herein referred to as "Subject Property"), as legally described in Exhibit A, and Brian Fleming (herein referred to as "Petitioner") petitioned the City of DeKalb for approval of a special use permit to allow truck and trailer rental storage on the Subject Property; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on November 16, 2020; and

WHEREAS, the Petitioner has conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for a special use permit to allow truck and trailer rental storage on 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 approval of special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare, and specifically finds that the proposed special use permit is in conformance with the applicable factors contained therein as follows:

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 truck and trailer rental operation will comply with all regulations of the "LC" Light Commercial District and the UDO. Conditions attached to the approval will enhance the appearance of the subject site, provide for adequate visibility to the commercial building and bring it into further compliance with the UDO.

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

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned commercial for decades and is in proximity to a variety of other commercial uses. In addition, staff is recommending conditions be added to the special use permit to restrict the number and location of the larger trucks and trailers on the site. There is also a condition to require handicap parking signs be added to the site in compliance with local and state regulations.

- 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 subject site has adequate area for the storage of the trucks and trailers related to the special use. There is a total of 96 required parking spaces for the site and there are 142 available parking spaces. The surrounding area is already developed with a variety of commercial and multi-family residential uses.

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

Adequate public services and utilities are already provided to the subject site. Suitable parking is provided on the site for the existing uses and the special use per the requirements of the Unified Development Ordinance.

- 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 uses on the site or to the surrounding area. The proposed special use will be limited to 10 rental trucks and trailers and will allow an existing business in the commercial building to continue operations. In addition, staff is recommending conditions that will require the installation of handicap signs and limits on the number and location of the larger trucks and trailers.

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 Petitioner's proposed use of the Subject Property as represented to the City Council and the City's Planning and Zoning Commission, and the Subject Property described in Exhibit A.

SECTION 3: A special use permit to allow truck and trailer rental storage is hereby approved for the Subject Property subject to the following conditions:

1. No more than 10 rental trucks or trailers may be parked on the site at one time and must be located in the 25-parking space area or 9-parking space area as shown on Exhibit B.
2. No more than three rental trucks that are 10 ft. or more in size may be parked in the 25-parking space area and no more than three rental trucks that are 10 ft. or more in size may be parked in the 9-parking space area as shown on Exhibit B.

3. Handicap signs, per local and state regulations, must be placed in front of the handicap parking spaces on the subject site within 30 days of approval of the special use permit by the City Council.

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

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

SECTION 6: That the City Clerk or Executive Assistant of the City of DeKalb, Illinois, be authorized and directed to attest the Mayor's Signature and shall be effective thereupon.

SECTION 7: That all provisions of the UDO shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or Executive Assistant shall record a copy of this Ordinance included herein after execution of this Ordinance.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 23rd day of November 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 (Remote), Smith, Perkins, McAdams, Verbic (Remote), Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane (Remote), Smith, Perkins, McAdams, Verbic (Remote), Faivre, Mayor Smith. Nay: None.

ATTEST:



RUTH A. SCOTT, Executive Assistant



JERRY SMITH, Mayor

EXHIBIT A

Parcel One:

PART OF LOT 703 IN TWELFTH ADDITION TO ROLLING MEADOWS SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "R" OF PLATS, PAGE 9 ON APRIL 14, 1976, AS DOCUMENT NO. 392887, IN DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 703; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID LOT 703, A DISTANCE OF 191.90 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID LOT 703, A DISTANCE OF 220.61 FEET TO THE NORTH LINE OF HILLCREST DRIVE, SAID NORTH LINE BEING ON A CURVE THE RADIUS OF WHICH IS 1017.69 FEET; THENCE EASTERLY, ALONG THE NORTH LINE OF HILLCREST DRIVE ON A CURVE TO THE LEFT, A DISTANCE OF 223.82 FEET (THE CHORD DISTANCE OF THE LAST DESCRIBED COURSE BEING 223.37 FEET), TO A POINT OF REVERSE CURVATURE; THENCE CONTINUING EASTERLY, ALONG THE NORTH LINE OF HILLCREST DRIVE, ALONG A CURVE TO THE RIGHT THE RADIUS OF WHICH IS 635.0 FEET FOR A DISTANCE OF 2.86 FEET (THE CHORD OF THE LAST DESCRIBED COURSE BEING 2.86 FEET); THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID LOT 703, A DISTANCE OF 167.12 FEET TO THE NORTH LINE OF SAID LOT 703; THENCE WESTERLY, ALONG THE NORTH LINE OF LOT 703, A DISTANCE OF 219.8 FEET TO THE POINT OF BEGINNING.

Parcel Two:

PART OF LOT 703 IN TWELFTH ADDITION TO ROLLING MEADOWS SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "R" OF PLATS, PAGE 9 ON APRIL 14, 1976 AS DOCUMENT NO. 392887, IN DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 703; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID LOT 703, A DISTANCE OF 191.90 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID LOT 703, A DISTANCE OF 220.61 FEET TO THE NORTH LINE OF HILLCREST DRIVE, SAID NORTH LINE BEING ON A CURVE THE RADIUS OF WHICH IS 1017.69 FEET; THENCE WESTERLY, ALONG THE NORTH LINE OF HILLCREST DRIVE ON A CURVE TO THE RIGHT, A DISTANCE OF 129.62 FEET (THE CHORD DISTANCE OF THE LAST DESCRIBED COURSE BEING 129.53 FEET) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUING WESTERLY, ALONG THE NORTH LINE OF HILLCREST DRIVE, A DISTANCE OF 62.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 703; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 703, A DISTANCE OF 228.85 FEET TO THE POINT OF BEGINNING.

EXHIBIT B



Parking (Available):
32 E. (See below)
apartments & studio
40 - commercial space
50 - residential spaces
Parking provided:
14 residential spaces

25 spaces

SUBJECT SITE

9 spaces

WINDSOR AVE

WINDSOR AVE

GREENBRIER RD

BLACKHAWK RD



994

1020

1015

1027 1025 1025

1023

1023 1021

1019

1017 1015 1013 1011

1024

1014