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DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

RECORDED: 9/25/2020 03:27 PM REC FEE: 75.00

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

PAGES: 12

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 2020-048

APPROVING THE ZONING PETITION BY DEKALB FIRST UNITED METHODIST CHURCH TO REZONE CERTAIN PROPERTY ALONG THE WEST SIDE OF N. ANNIE GLIDDEN ROAD FROM THE "SFR-1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE "PD-R" PLANNED DEVELOPMENT RESIDENTIAL DISTRICT, APPROVING AN AMENDMENT TO ORDINANACE 1994-074, AND APPROVING THE CONCEPT PLAN, ARCHITECTURAL ELEVATIONS, LANSCAPE PLAN, AND PLAT OF DEDICATION TO ALLOW FOR THE DEVELOPMENT OF AN APPROXIMATELY 7,730 SQUARE FOOT CHURCH AND ACCESSORY USES (DEKALB FIRST UNITED METHODIST CHURCH, DEKALB, ILLINOIS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 2 day of August 2020.

WITNESS my hand and the official seal of said City this 25th day of September 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

1/12

PASSED: JULY 27, 2020

ORDINANCE 2020-048

APPROVING THE ZONING PETITION BY DEKALB FIRST UNITED METHODIST CHURCH TO REZONE CERTAIN PROPERTY ALONG THE WEST SIDE OF N. ANNIE GLIDDEN ROAD FROM THE "SFR-1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE "PD-R" PLANNED DEVELOPMENT RESIDENTIAL DISTRICT, APPROVING AN AMENDMENT TO ORDINANACE 1994-074, AND APPROVING THE CONCEPT PLAN, ARCHITECTURAL ELEVATIONS, LANSCAPE PLAN, AND PLAT OF DEDICATION TO ALLOW FOR THE DEVELOPMENT OF AN APPROXIMATELY 7,730 SQUARE FOOT CHURCH AND ACCESSORY USES (DEKALB FIRST UNITED METHODIST CHURCH, DEKALB, ILLINOIS).

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, Stephen J. Storey as Trustee of Stephen J. Storey 2003 Declaration of Trust, Kaye L. Storey and Diane L. Storey (the "Owner") are the current owners of property legally described in Exhibit A attached hereto and incorporated herein (the "Property") and the DeKalb First United Methodist Church is the contract-purchaser of the Property (herein referred to as "Petitioner") have petitioned the City of DeKalb to annex the Subject Property and, upon annexation of the Subject Property, to: (1) rezone the Subject Property from "SRF1" Single-Family Residential District to the "PD-R" Planned Development Residential District; (2) approve an amendment to Ordinance 1994-074 to allow the construction of a 7,730 sq. ft. church and accessory uses; (3) approve a concept plan, architectural elevations, landscape plan, and plat of dedication for the right-of-way for Beautiful Gate Drive (herein referred to as "the Plans") for the Subject Property; and

WHEREAS, on July 6, 2020 and July 20, 2020, upon providing due notice, the City and Petitioner conducted all required public hearings before the City's Planning and Zoning Commission regarding the Subject Property's rezoning, amendments to Ordinance 94-74, and the Plans; and

WHEREAS, on July 20, 2020 the City's Planning and Zoning Commission recommended the approval of the Subject Property's rezoning, amendment to Ordinance 1994-074, and the Plans; and

WHEREAS, the City's corporate authorities adopt the findings of fact and recommendation of the City's Planning and Zoning Commission, and further find that the Subject Property's rezoning, amendments to Ordinance 1994-074, and the Plans conform to the applicable zoning factors contained therein for the following reasons:

FINDINGS OF FACT - 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 Single-Family Residential for the subject site. A church is a special use in the SFR1 District. The proposed plan meets the intent of the Comprehensive Plan and there are two other churches in the immediate area.

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

The rezoning of the subject property to PD-R provides the opportunity to more directly shape the development, use and appearance of this property in accordance with the City's Comprehensive Plan. The Planned Development allows the developer and the City the flexibility to agree to a site plan and standards that meets the needs of the site. The proposed rezoning request and development are in compliance with the Unified Development Ordinance, except for the waivers noted in the staff report. The proposal also meets the General Standard requirements for a Planned Development as described in Article 5.13.07 of the UDO.

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 entitles the subject property to a use of the property that is complementary with the adjacent area. There are two other churches in the immediate area. The Northern Illinois Korean Church is located along the east side of N. Annie Glidden Road just south of the site and New Hope Missionary Baptist Church is located just south of the subject property along Twombly Road. The dedication of right-of-way for the future extension of Beautiful Gate Drive will allow adjacent properties to develop.

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 "A1" Agricultural in DeKalb County and PD-R in the City of DeKalb. Expanding the entire property to "PD-R" zoning will allow for a well-designed project and the flexibility to develop the property in a manner that will complement the surrounding area and meet the needs of the church.

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

Adequate public services will be provided to the subject property. Sanitary sewer will be extended from the Eden's Garden development and water will be connected from an existing main along N. Annie Glidden Road. The subject property lies within adequate service areas for other City services, such as police and fire protection; and

WHEREAS, the City's corporate authorities find that the approval of the Subject Property's Rezoning, amendment to Ordinance 94-74, and the Plans is in the City's best interests 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: Recitals. The recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: Rezoning Approved. The City's corporate authorities approve the Subject Property's rezoning from the SRF1 Single-Family Residential District to the PD-R Planned Development Residential District and hereby authorize the City Manager to amend the "Official Zoning Map" of the City to depict the Property as located within the PD-R Planned Development Residential District.

SECTION 3: Plans Approved. The city's corporate authorities approve the Plans attached hereto and incorporated herein as Exhibit B to this Ordinance for the Subject Property.

SECTION 4: Planned Development Standards. The City's corporate authorities approve the Development Standards attached hereto and incorporated herein as Exhibit C to this Ordinance.

SECTION 5: Amendment Approved. The City's corporate authorities approve an amendment to Section 2 of Ordinance 1994-074 to allow for the construction of a 7,730 sq. ft. church and accessory uses on the Property, the rezoning approved in Section 2 of this Ordinance, the plans approved in Section 3 of this Ordinance, and the planned development standards approved in Section 4 of this Ordinance.

SECTION 6: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

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SECTION 7: Recording Directed. The City's corporate authorities authorize and direct the City Manager or his designee to record and file, upon execution by all of the parties, this Ordinance with the DeKalb County Clerk and Recorder.

SECTION 8: Effective Date. As a result of the need to timely record this Ordinance, the City's corporate authorities find and determine that this Ordinance shall be effective immediately upon its passage and approval and shall subsequently be published in pamphlet form.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 27th day of July 2020 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Perkins. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Perkins.

ATTEST:

RUTH A. SCOTT, Executive Assistant

JERRY SMITH, Mayor

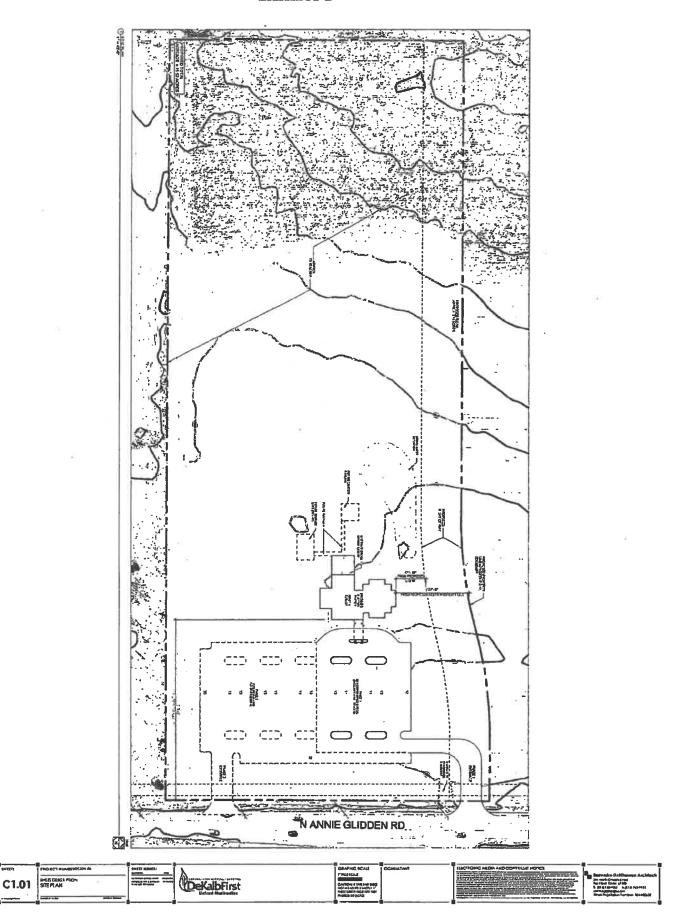


EXHIBIT A

DESCRIPTION OF PROPERTY SURVEYED:

THAT PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 511.08 FEET; THENCE EASTERLY AT AN ANGLE OF 90 DEGREES 02 MINUTES 11 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE 849.87 FEET TO A POINT OF CURVATURE; THENCE EASTERLY 175.78 FEET ON A CURVE TO THE LEFT HAVING A RADIUS OF 700.00 FEET TO A POINT OF REVERSE CURVE; THENCE EASTERLY 193.46 FEET ON A CURVE TO THE RIGHT HAVING A RADIUS OF 770.00 FEET TO A POINT OF TANGENCY; THENCE EASTERLY 110.22 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTHERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 557.17 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE WESTERLY AT AN ANGLE OF 90 DEGREES 00 MINUTES 26 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID SOUTH LINE, 1325.71 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB TOWNSHIP, DEKALB COUNTY, ILLINOIS.

EXHIBIT B



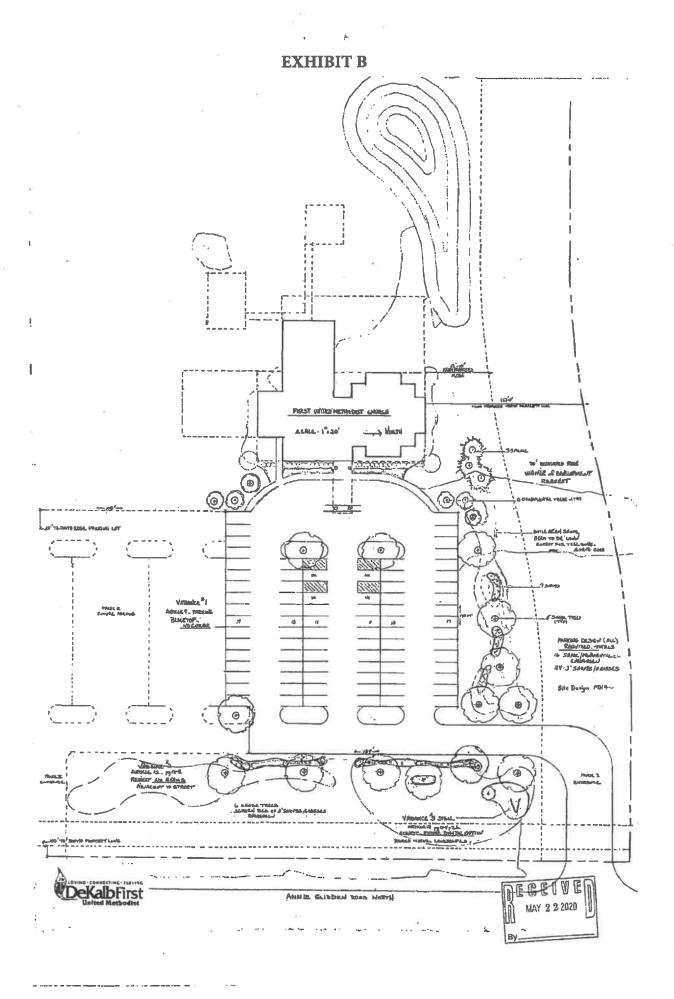


EXHIBIT B



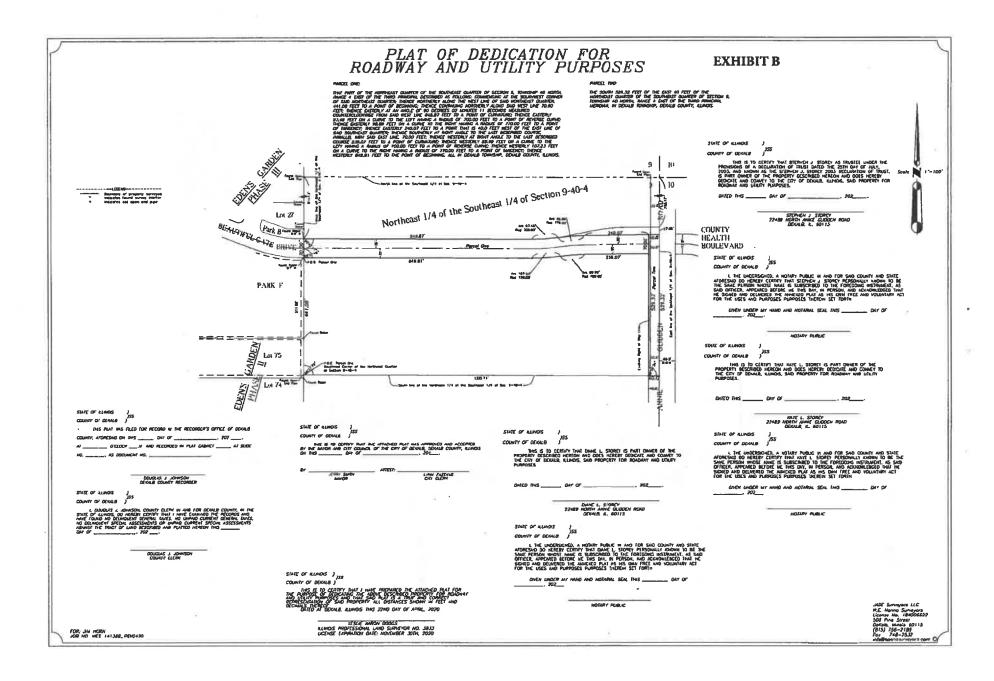


Exhibit C Planned Development Standards

Permitted Uses:

A church with accessory uses including a future storage building and pavilion.

Bulk Regulations/Landscaping/Parking:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, parking, landscaping and other similar restrictions and regulations shall meet those standards as set forth in the "PD-R" District of the Unified Development Ordinance, unless otherwise approved in these standards.

Road Improvements:

The property owners shall not have to pay for any improvements to the proposed Beautiful Gate Drive including, but not limited to, curbs, gutters, storm sewers, water mains, water services, and roadway materials unless the property is subdivided into multiple lots and developed by the property owners or its assignee, in which case the costs shall be borne by the respective property owner or assignee who is developing the property.

Final Plans:

Submittal of Final Development Plan for the property shall be reviewed and approved by the City staff, Planning and Zoning Commission and City Council prior to issuance of a permit for construction of the church and shall be in substantial compliance with the approved Concept Plan. As part of the Final Development Plan submittal, a Stormwater Management Report shall be submitted and reviewed by the City Engineer to ensure compliance with the Unified Development Ordinance.

Waivers to the Unified Development Ordinance:

The following waivers to the Unified Development Ordinance are granted:

- Article 5.13.07(3)(e) and Article 7.02 to allow a church steeple to be at a height of 86 feet as shown on the Architectural Elevations incorporated in Exhibit A.
- 2. Article 9.03 and Article 12.03.6(a) to waive the requirement for the access from N. Annie Glidden Road to have curb and gutter.

- 3. Article 12.03.6(a) to waive the requirement for the parking lot to have perimeter curbs, except curbs shall be provided around the four landscape islands in the parking lot as shown on the Concept Plan and Landscape Plan incorporated in Exhibit A. This waiver is conditioned upon all storm water runoff being captured on the pavement surface and conveyed in an efficient and direct manner to the storm water detention area as reviewed and approved by the City Engineer.
- 4. Article 12.04 to waive the requirement for a berm to be located in the front yard along N. Annie Glidden Road and the right-of-way of the future Beautiful Gate Drive; allow a reduction in quantity of shade trees and shrubs along the interior and rear yards of the parking lot and in the interior of the parking lot, all as shown on Landscape Plan incorporated in Exhibit A.



2020010073

DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

RECORDED: 9/30/2020 01;32 PM REC FEE: 95,00

STATE OF ILLINOIS)
COUNTY OF DEKALB) SS
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PAGES: 3

"KEEP IN FILE"

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 2020-048

APPROVING A PLAT OF DEDICATION FOR ROADWAY AND UTILITY PURPOSES (PINS: 08-09-400-017 AND 08-09-400-018).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the day of August 2020.

WITNESS my hand and the official seal of said City this 25th day of September 2020.

RUTH A. SCOTT, Executive Assistant

Prepared by:

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

SCANNED

City of DeKalb

