



2020013615

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: 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 2020-077**

**APPROVING THE REZONING OF 217 FRANKLIN STREET, DEKALB, ILLINOIS FROM THE "CBD" CENTRAL BUSINESS DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT – COMMERCIAL DISTRICT AND APPROVAL OF A PLANNED DEVELOPMENT PRELIMINARY PLAN (SAFE PASSAGE).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 14<sup>th</sup> day of December 2020.

**WITNESS** my hand and the official seal of said City this 17<sup>th</sup> 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 THE REZONING OF 217 FRANKLIN STREET, DEKALB, ILLINOIS, FROM THE "CBD" CENTRAL BUSINESS DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT – COMMERCIAL DISTRICT AND APPROVAL OF A PLANNED DEVELOPMENT PRELIMINARY PLAN (SAFE PASSAGE).**

**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**, Safe Passage Inc. (hereinafter referred to as "Applicant") is the owner of the property commonly known as 217 Franklin Street and legally described on Exhibit A attached hereto and incorporated herein (the "Property"); and

**WHEREAS**, the Applicant has petitioned the City for approval of a zoning map amendment from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District and a Planned Development Preliminary Plan to allow a new two-story 42,000 sq. ft. building to contain an emergency shelter, counseling services, administrative offices, outdoor playground, and other accessory uses on the Property in accordance with the Preliminary Development Plan attached hereto and incorporated herein as Exhibit B (the "Preliminary Development Plan"), the Planned Development Standards attached hereto and incorporated herein as Exhibit C (the "Planned Development Standards"), and the Conditions (the "Conditions") attached hereto and incorporated herein as Exhibit D; and

**WHEREAS**, pursuant to proper legal notice, a public hearing was conducted by the City's Planning and Zoning Commission on December 7, 2020; and

**WHEREAS**, the City and Developer have conducted all required public hearings before the City's Planning and Zoning Commission for the rezoning for the Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

**WHEREAS**, the City's Corporate Authorities adopt the findings of fact of the City's Planning and Zoning Commission, find that the proposed rezoning conforms with the applicable zoning factors in the City's Unified Development Ordinance (the "UDO"), find that approval of the rezoning for the Property is in the public interest and promotes the public health, safety and welfare, subject to the conditions approved herein, and further find as follows:

**STANDARDS FOR ZONING MAP AMENDMENT AND GENERAL STANDARD REQUIREMENTS FOR A PLANNED DEVELOPMENT**

- 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 uses. The traffic impacts of the proposed development will be less than the previous use. The proposed rezoning request will allow the development of a site that has been obsolete for over ten years and will allow for a social service agency in the community to provide and expand critical services and

programs. The surrounding area contains a mix of residential, institutional and commercial uses and proposed use will be compatible with the surrounding neighborhood.

**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 the property in accordance with the City's Comprehensive Plan and Downtown Plans. The Planned Development allows the developer and the City the flexibility to agree to a development plan and standards. The proposed rezoning request and development are in compliance with the Unified Development Ordinance, except for waivers granted in the development standards. 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. The new facility will allow Safe Passage to move all of their programs and services (except the transitional housing program) to one location, which will benefit the overall operation and efficiency of the agency. In addition, the proposed rezoning request and preliminary plan will allow the development of a site that has been obsolete for just over 10 years. The proximity to the downtown is a benefit for the people who are staying at Safe Passage as it affords them easy access to shopping, employment and transit services.

The recommended development standards require the submittal of a Final Development Plan prior to the issuance of a building permit that will include the architectural elevations, engineering, landscaping plan and lighting plan. The Final Development Plan will require review by the Planning and Zoning Commission and City Council.

**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 for a well-designed project and the flexibility by the applicant to develop the property in a manner that will be compatible with the surrounding neighborhood and at the same time meet the needs of the petitioner.

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

Adequate public services and utilities are already provided to the subject property and will be extended as necessary to the proposed building. Off-street parking is not required by the UDO; however, the site plan shows 18 on-site parking spaces and the use of a 32-space parking lot to the south across Franklin St. An 8" sanitary sewer through the middle of the site will be rerouted to the west and south along S. 2nd Street. Adequate walkways and streets surround the site and will accommodate the impacts of the proposed development; and

**WHEREAS**, the City's Corporate Authorities find that the rezoning of the Property is in the City's best interests for the protection of the public health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL** of the City of DeKalb, Illinois as follows:

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated as Section 1 to this Ordinance.

**SECTION 2:** The City's Corporate Authorities approve a zoning map amendment from the "CBD" Central Business District to the "PD-C" Planned Development – Commercial District for the Property and approval of a Planned Development Preliminary Plan in the same or substantially similar form as the Preliminary Development Plan attached hereto and incorporated herein as Exhibit B to allow for a new two-story 42,000 sq. ft. building to contain an emergency shelter, counseling services, administrative offices, outdoor playground, and other accessory uses on the Property in accordance with the Preliminary Development Plan and Planned Development Standards attached as Exhibit C, the Conditions attached as Exhibit D, and the applicant's compliance with the City's Municipal Code, ordinances, regulations and laws.

**SECTION 3:** The City Manager and his designee are authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

**SECTION 4:** 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.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14<sup>th</sup> day of December 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 (Remote), Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: None. Absent: Faivre. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Finucane (Remote), Smith, Perkins, McAdams, Verbic, Mayor Smith. Nay: None. Absent: Faivre.

**ATTEST:**



**RUTH A. SCOTT**, Executive Assistant



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**JERRY SMITH**, Mayor



## **EXHIBIT A**

### **PARCEL ONE:**

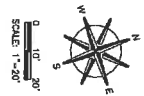
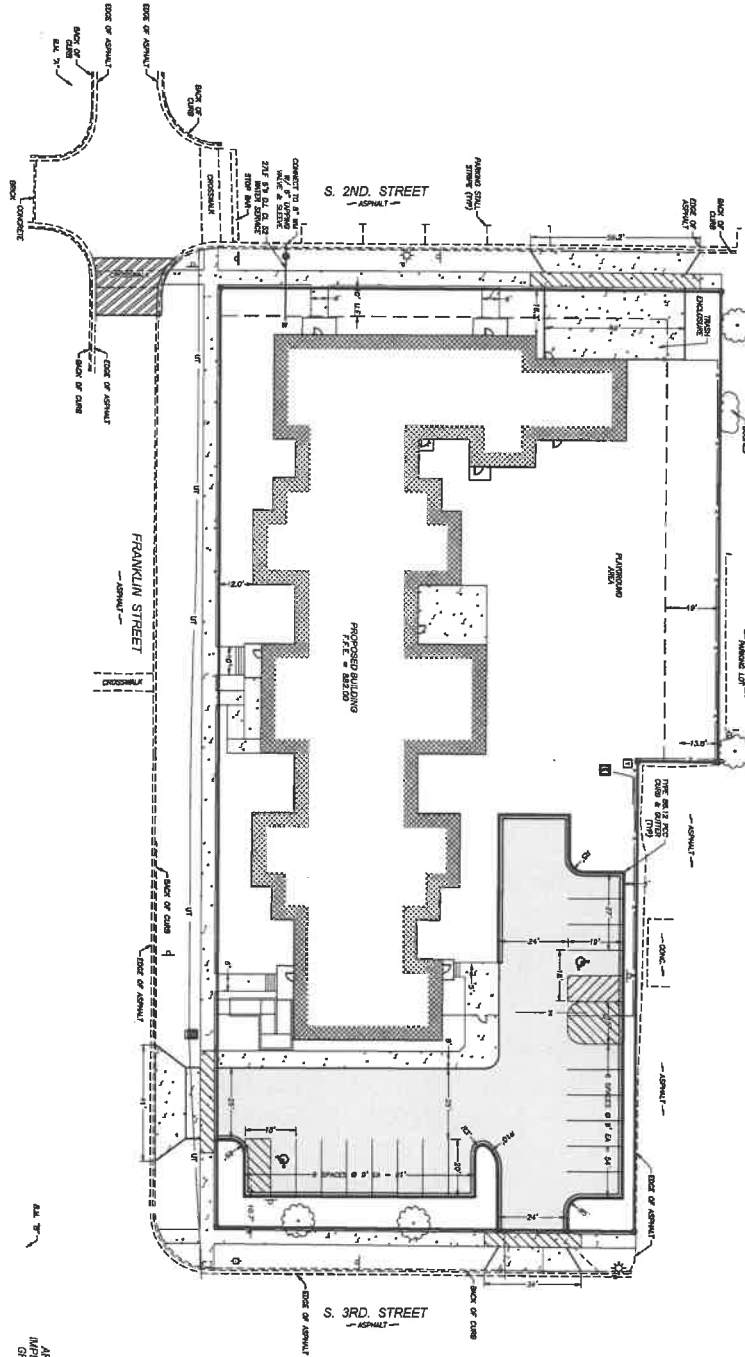
LOT 1 IN DEKALB CLINIC SUBDIVISION, A SUBDIVISION OF PART OF LOTS 3 AND 4 IN BLOCK 10 IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1984 IN BOOK "S" OF PLATS, PAGE 93, AS DOCUMENT NO. 8406226, SITUATED IN DEKALB COUNTY, ILLINOIS. (CONTAINS 42,883 SQ. FT.)

### **PARCEL TWO:**

THE NORTH 65 FEET OF THE SOUTH 176 FEET OF THE WEST 165 FEET OF BLOCK 10 IN THE ORIGINAL TOWN, (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 8-1/4, SITUATED IN DEKALB COUNTY, ILLINOIS. (CONTAINS 10,762 SQ. FT.)

**BENCHMARK INFORMATION:**  
 B.M. "1" - SET CORNER OF TOP CORNER OF THE EXISTING LOCATED AT INTERSECTION OF FRANKLIN STREET & S. 2ND STREET.  
 B.M. "2" - SET CORNER OF TOP CORNER OF THE EXISTING LOCATED AT INTERSECTION OF FRANKLIN STREET & S. 3RD STREET.

# EXHIBIT B



**SITE COVERAGE**  
 AREA OF SITE = 53,540 SQ. FT.  
 IMPERVIOUS AREA = 31,893 SQ. FT.  
 GRIE SITE COVERAGE = 59.5%

LEGEND	
<b>TOPOGRAPHIC</b>	<b>SURVEY</b>
<ul style="list-style-type: none"> <li>Spot Elevation</li> <li>Contour Interval</li> <li>Spot Elevation</li> <li>Contour Interval</li> <li>Spot Elevation</li> <li>Contour Interval</li> </ul>	<ul style="list-style-type: none"> <li>Survey Boundary</li> <li>Property Boundary</li> <li>Survey Boundary</li> <li>Property Boundary</li> <li>Survey Boundary</li> <li>Property Boundary</li> </ul>
<b>PROPOSED</b>	<b>PROPOSED</b>
<ul style="list-style-type: none"> <li>Proposed Building</li> <li>Proposed Parking</li> <li>Proposed Driveway</li> <li>Proposed Easement</li> <li>Proposed Utility</li> <li>Proposed Stormwater</li> <li>Proposed Retention</li> <li>Proposed Access</li> <li>Proposed Fence</li> <li>Proposed Wall</li> <li>Proposed Gate</li> <li>Proposed Sign</li> <li>Proposed Light</li> <li>Proposed Tree</li> <li>Proposed Plant</li> <li>Proposed Lawn</li> <li>Proposed Walk</li> <li>Proposed Path</li> <li>Proposed Ramp</li> <li>Proposed Stair</li> <li>Proposed Deck</li> <li>Proposed Porch</li> <li>Proposed Terrace</li> <li>Proposed Patio</li> <li>Proposed Pool</li> <li>Proposed Spa</li> <li>Proposed Hot Tub</li> <li>Proposed Shed</li> <li>Proposed Garage</li> <li>Proposed Carport</li> <li>Proposed Driveway</li> <li>Proposed Easement</li> <li>Proposed Utility</li> <li>Proposed Stormwater</li> <li>Proposed Retention</li> <li>Proposed Access</li> <li>Proposed Fence</li> <li>Proposed Wall</li> <li>Proposed Gate</li> <li>Proposed Sign</li> <li>Proposed Light</li> <li>Proposed Tree</li> <li>Proposed Plant</li> <li>Proposed Lawn</li> <li>Proposed Walk</li> <li>Proposed Path</li> <li>Proposed Ramp</li> <li>Proposed Stair</li> <li>Proposed Deck</li> <li>Proposed Porch</li> <li>Proposed Terrace</li> <li>Proposed Patio</li> <li>Proposed Pool</li> <li>Proposed Spa</li> <li>Proposed Hot Tub</li> <li>Proposed Shed</li> <li>Proposed Garage</li> <li>Proposed Carport</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Building</li> <li>Proposed Parking</li> <li>Proposed Driveway</li> <li>Proposed Easement</li> <li>Proposed Utility</li> <li>Proposed Stormwater</li> <li>Proposed Retention</li> <li>Proposed Access</li> <li>Proposed Fence</li> <li>Proposed Wall</li> <li>Proposed Gate</li> <li>Proposed Sign</li> <li>Proposed Light</li> <li>Proposed Tree</li> <li>Proposed Plant</li> <li>Proposed Lawn</li> <li>Proposed Walk</li> <li>Proposed Path</li> <li>Proposed Ramp</li> <li>Proposed Stair</li> <li>Proposed Deck</li> <li>Proposed Porch</li> <li>Proposed Terrace</li> <li>Proposed Patio</li> <li>Proposed Pool</li> <li>Proposed Spa</li> <li>Proposed Hot Tub</li> <li>Proposed Shed</li> <li>Proposed Garage</li> <li>Proposed Carport</li> </ul>

<p><b>4 of 9</b></p>	<p><b>SITEPLAN OF SAFE PASSAGE CENTER FOR SAFE PASSAGE, INC.</b></p>	<p>wendler engineering services, inc.          civil-structural-surveying          www.wendler.com ph: 615.298.2281          Trade Professional Design Firm No. 134-00040</p>	<table border="1"> <thead> <tr> <th colspan="2">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	REVISIONS		NO.	DATE						
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## **Exhibit C**

### **Planned Development Standards**

#### Permitted Uses:

Emergency shelter not exceeding 65 occupants, counseling services, administrative offices, outdoor playground and other accessory uses.

#### Parking:

A minimum of 18 parking spaces shall be provided on the subject site. A parking agreement to allow the use of the 32-space parking lot at the southeast corner of S. 2<sup>nd</sup> St. and Franklin St. (PIN# 08-22-430-001) shall be made with the property owner prior to occupancy of the building on the subject site.

#### Bulk Regulations/Landscaping/Lighting/Parking:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, landscaping, lighting and other similar restrictions and regulations shall meet those standards as set forth in the "PD-C" District of the UDO except as listed below:

1. Article 5.13.06 - A Planned Development under 2 acres.
2. Article 12.02.3 - A reduction in the number of existing private off-street parking spaces as shown on the Preliminary Development Plan listed in Exhibit A.

## **Exhibit D**

### **Staff Comments**

1. Prior to a building permit being issued for the site, the following item shall be addressed:
  - a. Final Development Plan including architectural elevations, engineering plan, lighting (photometric) plan, landscape plan, and Final Plat shall be submitted in a form that is in conformance with the UDO and in substantial compliance with the Preliminary Development Plan and shall be reviewed by the Planning and Zoning Commission and City Council.