

AUTHORIZING A ZONING MAP AMENDMENT FROM THE “RC-1” RESIDENTIAL CONSERVATION DISTRICT TO THE “PD-C” PLANNED DEVELOPMENT-COMMERCIAL DISTRICT AND APPROVAL OF A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR 304 N. TENTH STREET, DEKALB, ILLINOIS (ELIAS RAMOS).

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, Elias Ramos (hereinafter referred to as “Applicant”) is the owner of the property commonly known as 304 N 10th 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 “RC-1” Residential Conservation District to the “PD-C” Planned Development – Commercial District and a Preliminary and Final Development Plan to establish approximately 1,550 sq. ft. in commercial space on the ground floor of an existing building along with two 2-bedroom apartment units on the second floor and a 10-space parking lot on the Property in accordance with the Preliminary and Final Development Plan dated June 2, 2021 attached hereto and incorporated herein as Exhibit B (the “Preliminary and Final 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 July 6, 2021; and

WHEREAS, the City and Applicant 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, 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 light industrial uses. The lot is part of a buffer area between single-family uses north of Market St. to industrial uses on the south

side of Oak St. The proposed rezoning request will allow the development of a site that has been underutilized for several years. The surrounding area contains a mix of residential, commercial and industrial uses and the proposed rezoning to the PD-C District 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 allow flexibility and to more directly shape the development, use and appearance of the property in accordance with the City's ordinances. The proposed rezoning request and development are in compliance with the Unified Development Ordinance, except for the 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 uses of the property that are complementary and compatible with the adjacent area. The Planned Development allows the property owner and the City the flexibility to agree to a development plan and standards.

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 "RC-1" Residential Conservation District. Rezoning the property to "PD-C" will allow for flexibility by the applicant to redevelop 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. A new 10-space parking lot will be added on the north end of the lot to accommodate the proposed uses. Adequate walkways and streets surround the site and will accommodate the impacts of the proposed development.

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 "RC-1" Residential Conservation District to the "PD-C" Planned Development – Commercial District for the Property and approval of a Preliminary and Final Development Plan dated June 2, 2021

attached hereto and incorporated herein as Exhibit B to establish approximately 1,550 sq. ft. in commercial space on the ground floor of an existing building along with two 2-bedroom apartment units on the second floor and a 10-space parking lot on the Property in accordance with the Planned Development Standards attached as Exhibit C, and 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 12th day of July 2021 and approved by me as Mayor on the same day. Passed on First Reading by a 6-0-2 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Barnes. Nay: None. Absent: McAdams, Faivre. Second Reading waived by a 6-0-2 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Barnes. Nay: None. Absent: McAdams, Faivre.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

Exhibit A

Legal Description

LOT 6 IN BLOCK 15 IN GILSON'S ADDITION TO THE CITY OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 21, ON MARCH 18TH, 1856, IN DEKALB COUNTY, ILLINOIS.

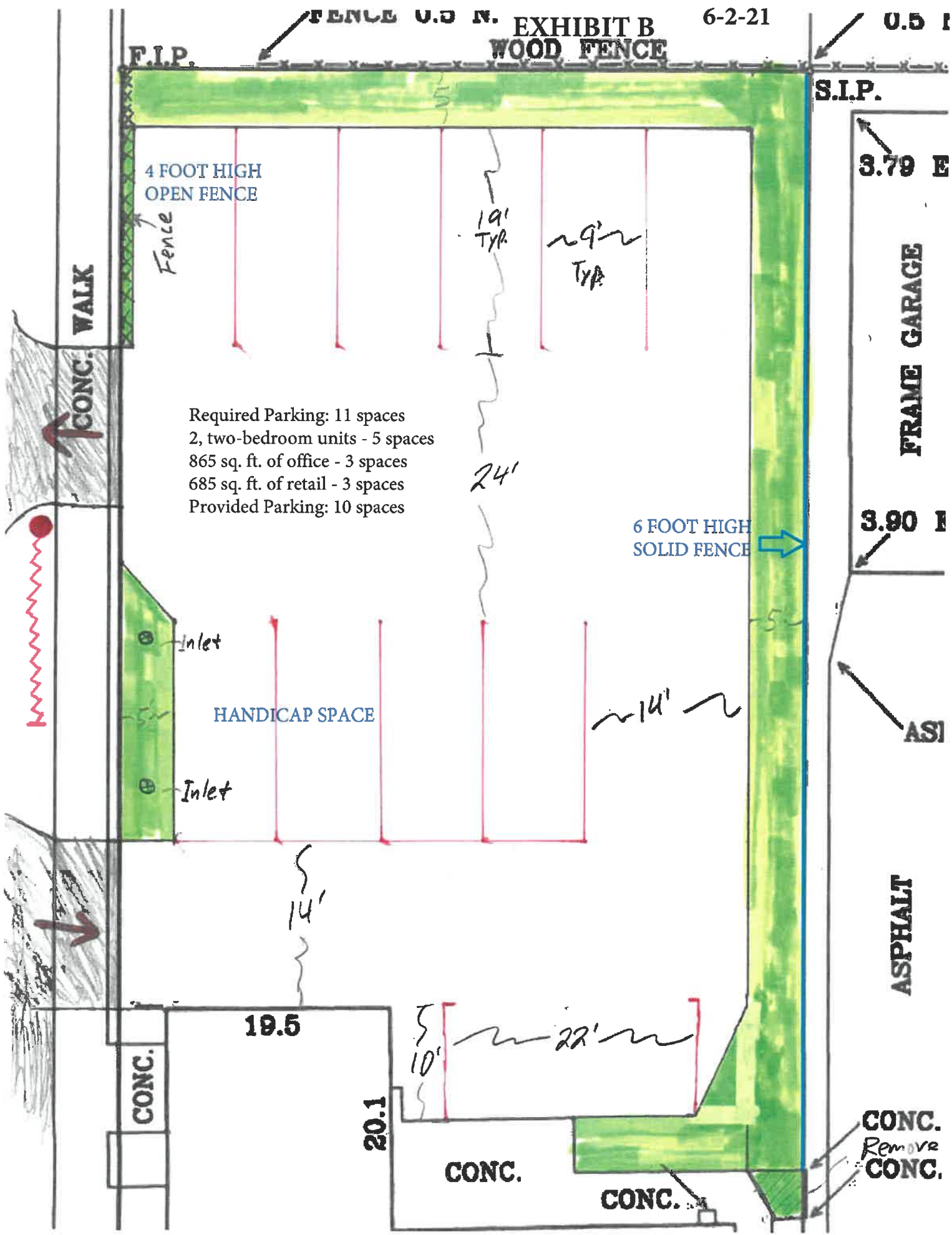


Exhibit C

Planned Development Standards

Permitted and Special Uses:

Apartment units on the upper level of the building not exceeding 2, two-bedroom units and commercial uses on the lower level per the permitted and special uses as listed in the “GC”, General Commercial District of the Unified Development Ordinance.

Bulk Regulations/Landscaping/Lighting/Parking:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, landscaping, parking, lighting, signage 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 5.13.07.6 – Removal of the 50 foot buffer area between a PD-C zoned property and adjacent residential district.
3. Article 12.08 - Reduce the number of required parking spaces from 11 to 10.
4. Article 12.03(6) - Reduce the front yard setback for parking along N. 10th St. as shown on Exhibit A.

Exhibit D

Conditions

1. A site plan meeting engineering and drainage requirements per the City Engineer and UDO requirements shall be submitted prior to any building permits being issued for the proposed uses.
2. A landscape plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.
3. A lighting (photometric) plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.



2021009184

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 7/15/2021 02:12 PM
REC FEE: 55.00

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 2021-024

AUTHORIZING A ZONING MAP AMENDMENT FROM THE "RC-1" RESIDENTIAL CONSERVATION DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT-COMMERCIAL DISTRICT AND APPROVAL OF A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR 304 N. TENTH STREET, DEKALB, ILLINOIS (ELIAS RAMOS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 12th day of July 2021.

WITNESS my hand and the official seal of said City this 14th day of July 2021.

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

July 7, 2021

Dear Mayor and City Council,

*Please accept this request for waiver of a second reading and approve at your July 12, 2021 meeting.
My rezoning request for 304 N. 10th St. was unanimously approved by the Planning and Zoning
Commission at their July 6 meeting.*

Thank you,

Elias Ramos

for background
only, not
recorded
this page forward



STAFF REPORT

July 1, 2021

TO: Planning and Zoning Commission

FROM: Dan Olson, Principal Planner

RE: 304 N. 10th St. – Rezoning from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District; Planned Development Preliminary and Final Plan (Elias Ramos)

I. GENERAL INFORMATION

- | | | |
|----|---------------------------------|--|
| A. | Purpose | Establish about 1,550 sq. ft. in commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor with a small addition proposed and a 10-space parking lot. |
| B. | Owner/Applicant | Elias Ramos |
| C. | Location and Size | 304 N; 10 th St./ .20 acres |
| D. | Existing Zoning and Land Use | “RC-1” Residential Conservation District; Building with one apartment unit. |
| E. | Surrounding Zoning and Land Use | <u>North:</u> LI; Auto Repair, Truck/Trailer Rental
<u>South:</u> HI; Storage, Industrial
<u>East:</u> RC-1; Single-Family Residential
<u>West:</u> RC-1, Residential, Iron and Metal Recycling (DIMCO) |
| F. | Comprehensive Plan Designation | Light Industrial |



II. BACKGROUND AND ANALYSIS

Request/Background

The City has received a petition from Elias Ramos to rezone 304 N 10th St. from the “RC-1” Residential Conservation District to the “PD-C” Planned Development Commercial District. The intent of the applicant is to establish about 1,550 sq. ft. of commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor. The applicant is also proposing a small addition to the second story of the building and adding a 10-space parking lot on the north side of the lot. The lot was purchased by Mr. Ramos in March 2020. The building once contained a bar and then a dance studio. There is currently one apartment unit on the ground floor of the building.

The building has fallen into disrepair over the years, however the owner has been making improvements to the property including re-siding the building and has done some interior demolition work to prepare for the two apartments and commercial space. The applicant is an existing business owner in the City and a licensed contractor and the proposed improvements to the property will be a benefit to the neighborhood. Mr. Ramos and his wife currently operate La Moreliana Gift Shop at 205 N. 6th St. and will be re-locating the store to the subject site. Mr. Ramos and his wife will be living in one of the apartment units on the upper level.

A 10-space parking lot is proposed to the north of the structure. There will be a new single access into the parking lot from N. 10th St. There currently is an access off N. 10th St. to a one-car garage. Based on two 2-bedroom apartment units and about 1,550 sq. ft. of commercial space, there are 11 required parking spaces. The owner/operator of the retail space will be living upstairs so there will be some shared parking. Parking is not allowed on N. 10th St. along the subject site and only allowed on the north side of Oak St.

A six (6) foot high fence will be provided along the east side of the parking lot along with a five (5) foot setback to the north and east. An existing four (4) foot high open fence will remain along a portion of the 10th St. frontage to allow for some screening, however the 10-foot parking setback will not be maintained (see waiver discussion below). An engineering plan, landscape plan and lighting plan for the parking lot will be required to be submitted and have been added as a condition to the recommendation.

Waivers to the UDO

Planned Development less than two acres – The subject site is .20 acres. With the other waivers regarding setbacks and parking needed, the Planned Development zoning was the most appropriate. Granting several variances was not feasible and the Planned Development offers the best option. A waiver to this requirement has been approved several times before including Cornerstone DeKalb, Plaza DeKalb and Pizza Hut.

Reduction of the perimeter buffer requirements next to a residential district

The UDO states that when a PD-C District abuts a residential district, there is a 50-foot landscape buffer required. RC-1 zoning exists to the east, however the lot is not wide enough to accommodate this 50-foot setback and a waiver is justified.

Off-Street Parking Requirements - There is a total of 11 parking spaces required with 2 two-bedroom units and about 1,550 sq. ft. of commercial floor area (865 sq. ft. of office and 685 sq. ft. of retail space). The owner/operator of the retail space will be living upstairs so there will be some shared parking. The 10 parking spaces will be adequate for the proposed uses.

Reduction of the parking setback along N. 10th St. The UDO requires a 10-foot setback for parking/paving in the front-yard adjoining a street. The width of the lot (60 feet) is not enough to accommodate the parking spaces needed and to maintain the front yard (10 feet) and rear yard setbacks (5 feet). The front yard south of the proposed access drive will be five (5) from the right-of-way of N. 10th St., however the area north of the access will not. There is currently a four (4) foot high open fence to the north of the future access point and the owner will be maintaining it to offer some buffering of the parking lot.

III. 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 light industrial uses. The lot is part of a buffer area between single-family uses north of Market St. to industrial uses on the south side of Oak St. The proposed rezoning request will allow the development of a site that has been underutilized for several years. The surrounding area contains a mix of residential, commercial and industrial uses and the proposed re-zoning to the PD-C District 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 allow flexibility and to more directly shape the development, use and appearance of the property in accordance with the City's ordinances. The proposed rezoning request and development are in compliance with the Unified Development Ordinance, except for the 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 uses of the property that are complementary and compatible with the adjacent area. The Planned Development allows the property owner and the City the flexibility to agree to a development plan and standards.

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 "RC-1" Residential Conservation District. Rezoning the property to "PD-C" will allow for flexibility by the applicant to redevelop 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. A new 10-space parking lot will be added on the north end of the lot to accommodate the proposed uses. Adequate walkways and streets surround the site and will accommodate the impacts of the proposed development.

IV. PUBLIC INPUT

As of the posting of the agenda on July 1, we have not received any public comments.

V. CONCLUSIONS AND RECOMMENDATION

The proposed rezoning request will allow for the redevelopment of the property that will be a benefit to the neighborhood.

The staff's recommendation is to approve, and a sample motion has been prepared.

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 the rezoning of subject site at 304 N. 10th St. from the "RC-1" Residential Conservation District to the "PD-C" Planned Development Commercial District, approval of a preliminary and final development plan dated 6-2-21, labeled as Exhibit A, and subject to the Planned Development Standards in Exhibit B and the conditions in Exhibit C.

Exhibit B

Planned Development Standards

Permitted and Special Uses:

Apartment units on the upper level of the building not exceeding 2, two-bedroom units and commercial uses on the lower level per the permitted and special uses as listed in the "GC", General Commercial District of the Unified Development Ordinance.

Bulk Regulations/Landscaping/Lighting/Parking:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, landscaping, parking, lighting, signage 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 5.13.07.6 – Removal of the 50 foot buffer area between a PD-C zoned property and adjacent residential district.
3. Article 12.08 - Reduce the number of required parking spaces from 11 to 10.
4. Article 12.03(6) - Reduce the front yard setback for parking along N. 10th St. as shown on Exhibit A.

Exhibit C

Conditions

1. A site plan meeting engineering and drainage requirements per the City Engineer and UDO requirements shall be submitted prior to any building permits being issued for the proposed uses.
2. A landscape plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.
3. A lighting (photometric) plan in compliance with the UDO shall be submitted prior to any building permits being issued for the proposed uses.





REZONING PETITION



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

FROM: Petitioner Name(s): Elias Ramos Phone: 847-873-7367
Petitioner's Representative: _____ Email: elias-ramos07@yahoo.com
Mailing Address: 303 1/2 FISK AVE
DEKALB IL 60115

Property Owner: SAME Phone: _____
Mailing Address: _____ Email: _____

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: 304 N. 10th street Dekalb IL 60115
Parcel # 08-23-259-004

B. Street Address or Common Location: 304 N. 10th street Dekalb IL 60115

C. Size of Property (square feet or acres): 7,150

D. Existing Zoning: RC-1

E. Proposed Zoning: PD-C

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. (on back)

I, Elias Ramos bought this buildin with the idea of making a good use of this building, i know in the past this building was a Bar and a dance studio later on before was turn into a single family home, the building is very big but it has a problem. It does not have parking spaces and on the street on side is limited and on the other side no parking at any time. those are the reasons why I am asking to convert it in to a PD-C zoning.



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: 6-1-21

Those in attendance: Dawn Harper - Frank Beasley

(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.

Elias Ramos
Petitioner Signature

6-2-21
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).

Elias Ramos
Property Owner Signature

6-2-21
Date

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, July 6, 2021, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by Elias Ramos for approval of the rezoning of 304 N. 10th St. from the "RC-1" Residential Conservation District to the "PD-C" Planned Development Commercial District and approval of a preliminary and final development plan to establish about 1,550 sq. ft. in commercial space on the ground floor (two offices and a gift shop/convenience store) of the existing building along with two 2-bedroom apartment units on the second floor with a small addition proposed and a 10 space parking lot. Consideration to approve waivers to the Unified Development Ordinance for a Planned Development less than two acres, reduction of the parking setback along N. 10th St., reduction of the perimeter buffer requirements next to a residential district, and other approvals as required for the subject property to allow for the development as proposed. The subject site is .20 acres and has Parcel Identification Number of 08-23-259-004 and is commonly known as 304 N. 10th St., DeKalb, IL.

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 12:00 p.m. on Tuesday, July 6, 2021, by e-mail to dan.olson@cityofdekalb.com or the Online Public Comment Submission Form at <https://www.cityofdekalb.com/FormCenter>. 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















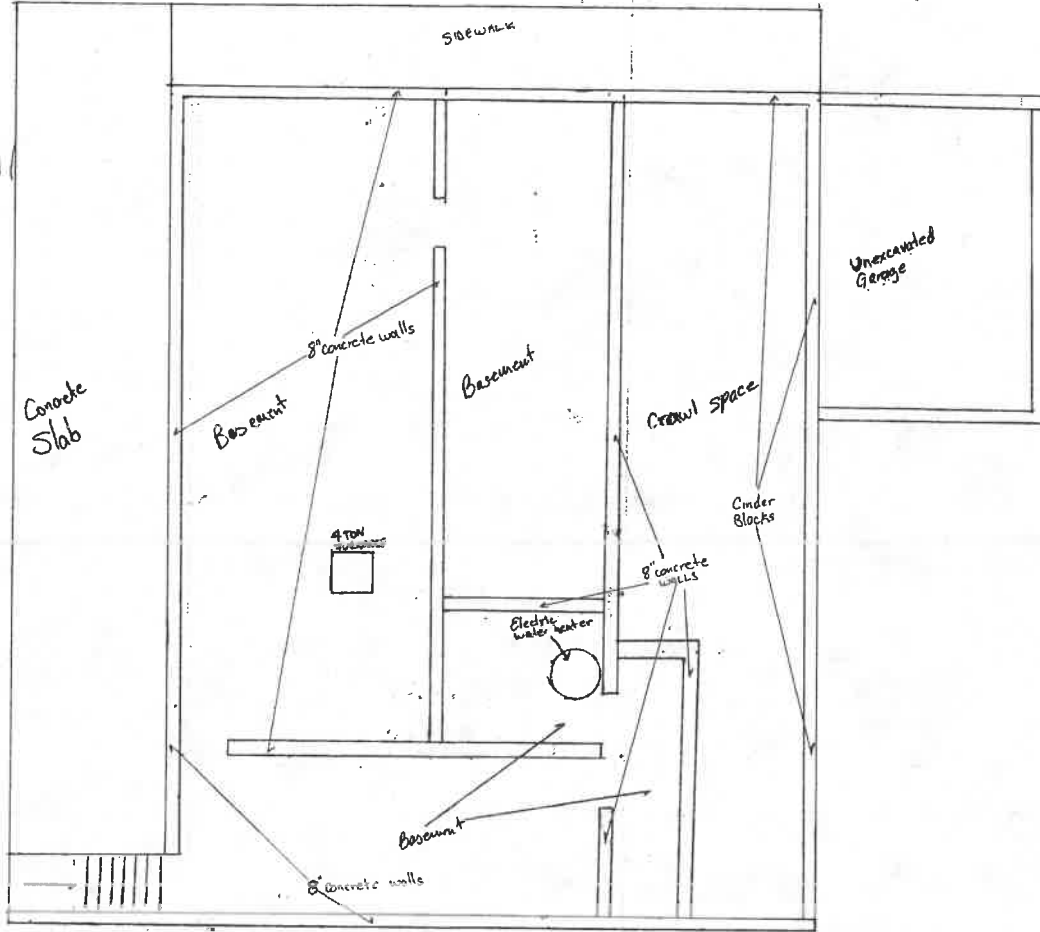
304 N. 10TH STREET

SCALE 1/4" = 1'

2021-0567

N →

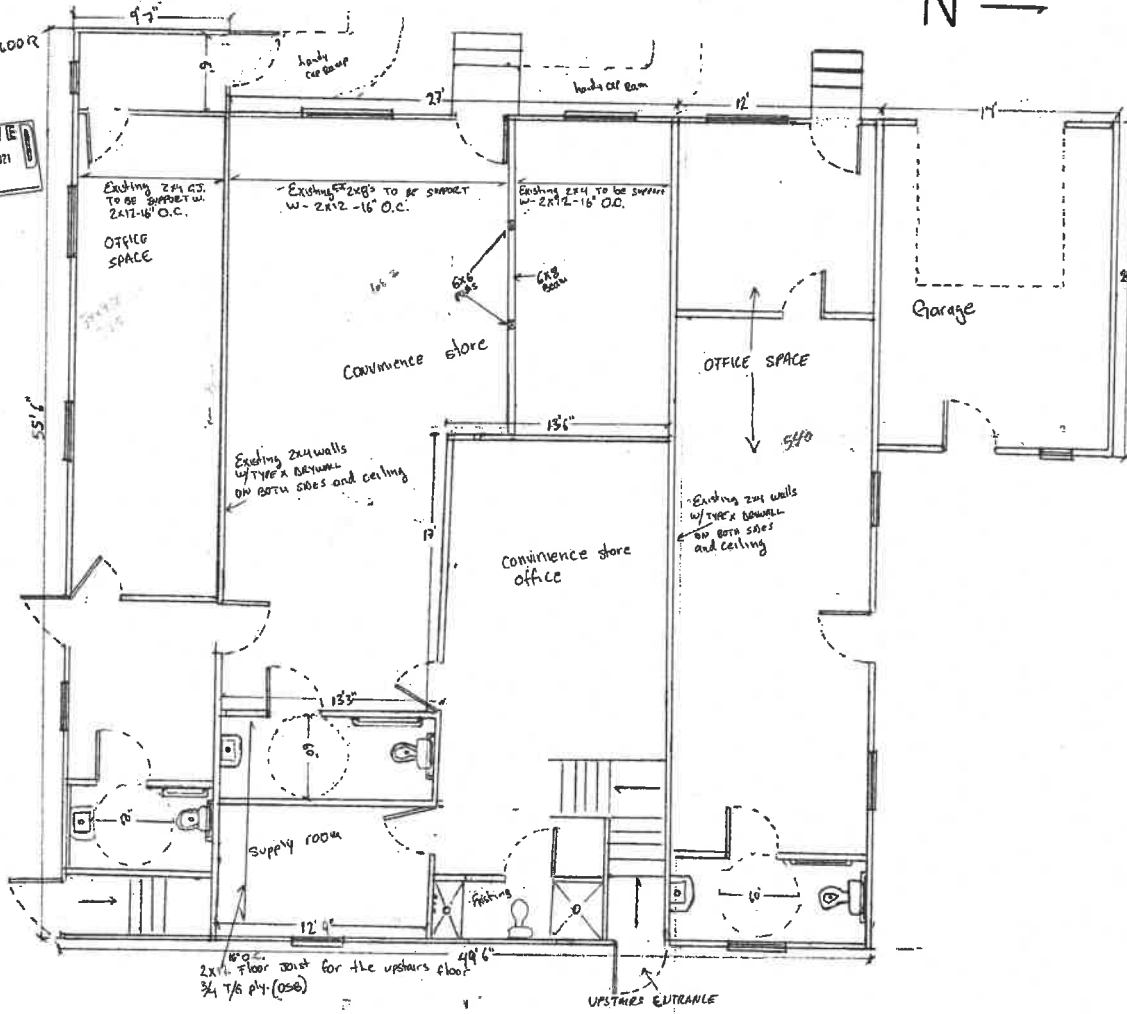
Existing
Basement Plan



N —

PROPOSE
PLAN 1st FLOOR

RECEIVED
JUN 03 2021



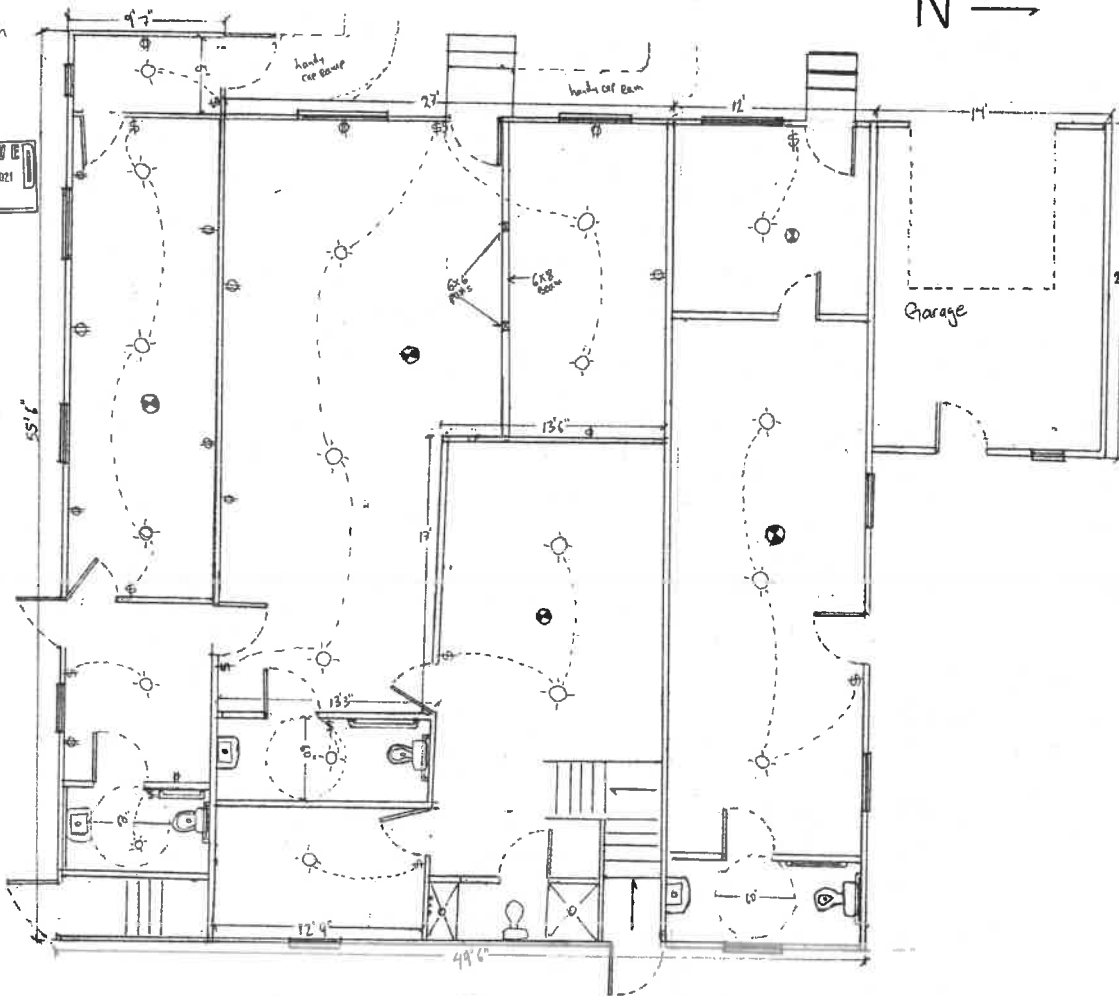
304 N. 10TH STREET

SCALE $\frac{1}{4}" = 1'$

Electric plan
1st FLOOR



N →



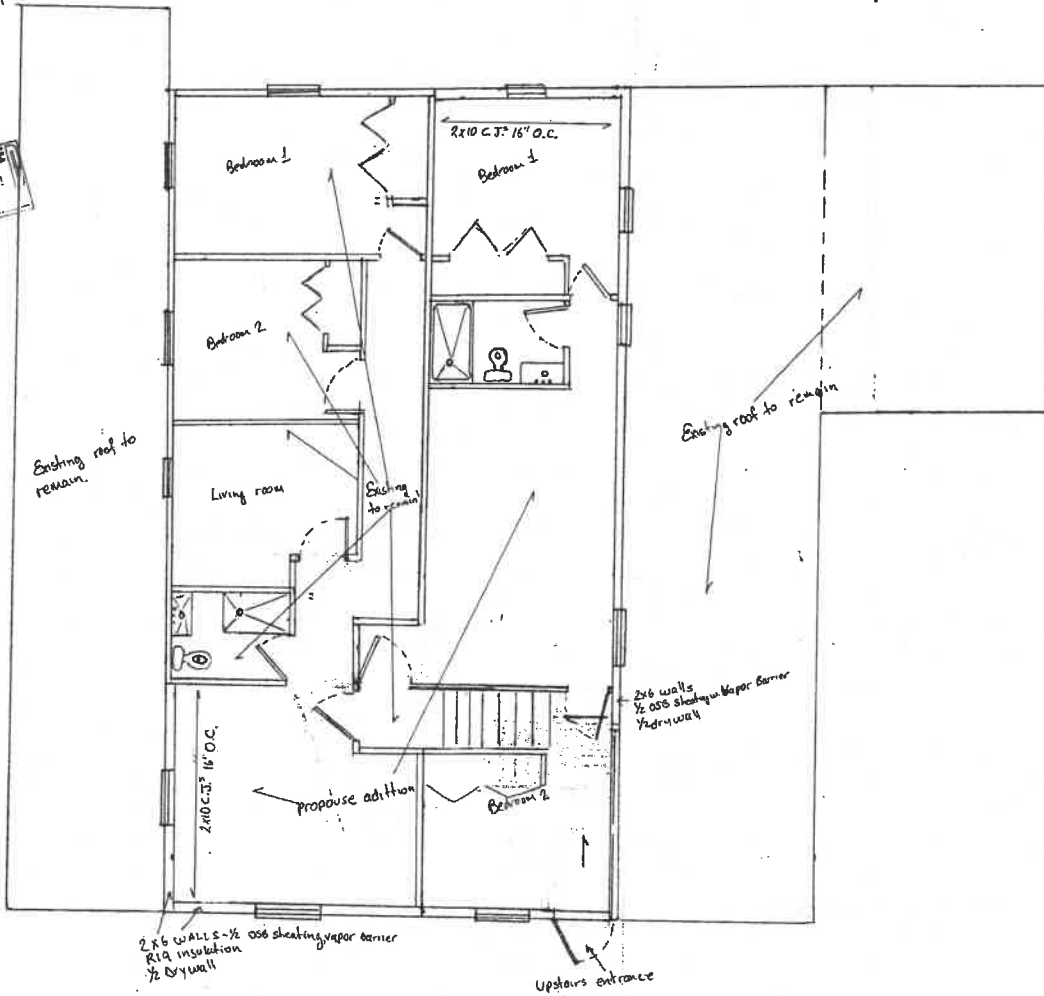
304 N. 10th STREET

SCALE 1/4" = 1'

Upstairs plan

2nd floor

N →

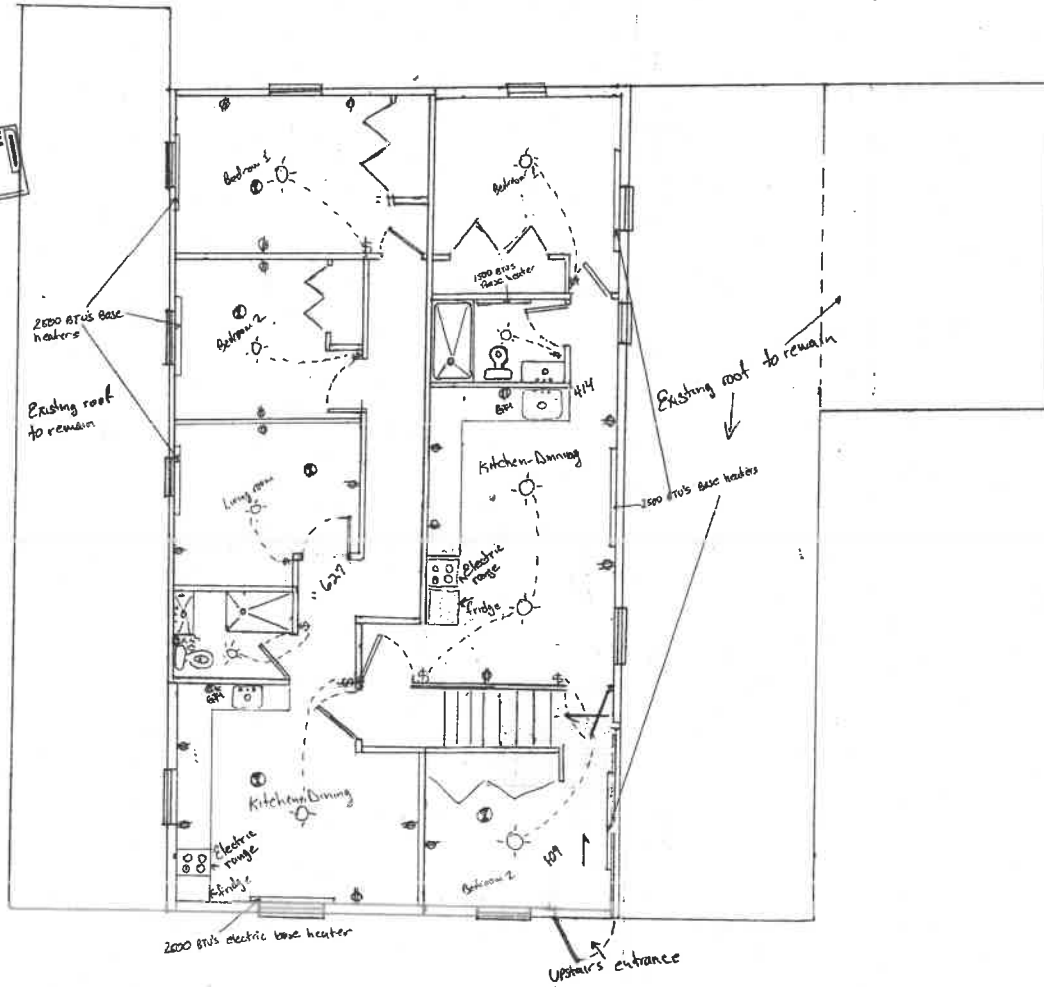


304 N. 10th STREET

SCALE $\frac{1}{4}" = 1'$

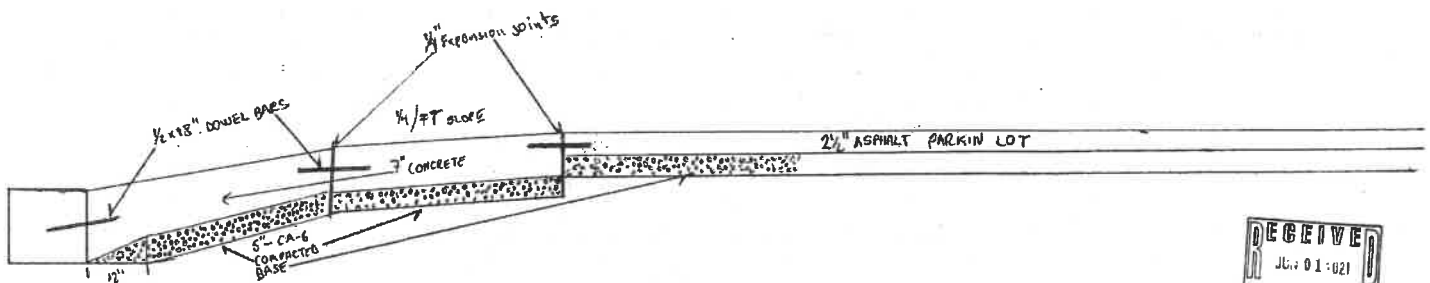
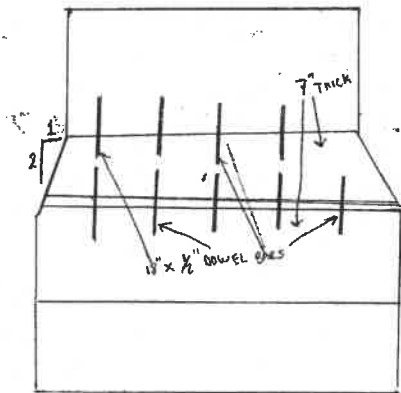
Electric plan
2nd Floor

N →

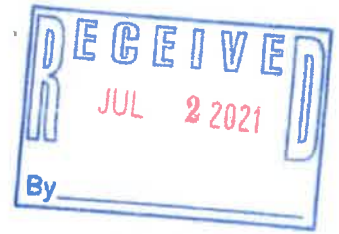


304 N. 10TH STREET

CONCRETE DETAIL - PARKING LOT



304 N. 10th St. - Rezoning
Citizen Response Form



Owners Name: _____



Richard D. Larson
12284 Fairview Dr.
Dekalb, IL 60115

Property Address: _____

Basic Input:

*304 N. 10th St.,
Dekalb*

- ☒ I support the proposal.
☐ I support the proposal in general but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:

[Signature]
6/2/21

