

**AUTHORIZING A ZONING MAP AMENDMENT FROM THE “GC” GENERAL COMMERCIAL DISTRICT AND THE “MFR2” MULTI-FAMILY RESIDENTIAL DISTRICT TO THE “PD-C” PLANNED DEVELOPMENT COMMERCIAL DISTRICT AND APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 1221 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (BLUE RIDGE LLC – 1221).**

**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**, Blue Ridge LLC - 1221 (the “Applicant”) is the owner of the property commonly known as 1221 W. Lincoln Highway and legally described on Exhibit A attached hereto and incorporated herein (the “Property”); and

**WHEREAS**, the Applicant petitioned the City for approval of a zoning map amendment from the “GC” General Commercial District and “MFR2” Multi-Family Residential District to the “PD-C” Planned Development – Commercial District and a Preliminary Development Plan to establish an approximately 6,090 sq. ft. building to contain a package liquor store with a drive-through, a video gaming establishment, three (3) two-bedroom apartments, and a shop/storage area on the Property in accordance with the Preliminary Development Plan dated August 9, 2021 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 attached hereto and incorporated herein as Exhibit D (the “Conditions”); and

**WHEREAS**, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission on August 16, 2021; and

**WHEREAS**, the City and Applicant 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 commercial uses. “GC” General Commercial zoning exists to the east and “LC” Light Commercial zoning lies along the south side

of W. Lincoln Highway. The proposed rezoning request will allow the development of a site that has been vacant for several years. The surrounding area contains a mix of multi-family residential and commercial and 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 "GC" General Commercial District and "MFR2", Multi-Family Residential. 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. There will be 38 parking spaces provided on the site to accommodate the parking generated from the uses and provides extra spaces for overflow parking from Fatty's Pub & Grill across W. Lincoln Highway. A total of 32 parking spaces are required for the proposed uses. Adequate walkways and streets surround the site and will accommodate the impacts of the proposed development.

**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 "GC" General Commercial District and "MFR2" Multi-Family Residential District to the "PD-C" Planned Development – Commercial District for the Property and a Preliminary Development Plan dated August 9, 2021 attached hereto and incorporated herein as Exhibit B to establish an approximately 6,090 sq. ft. building to contain a package liquor store with a drive-through, a video

gaming establishment, three (3) two-bedroom apartments, and a shop/storage area on the Property, subject to and in accordance with the Planned Development Standards attached hereto and incorporated herein as Exhibit C, the Conditions attached hereto and incorporated herein as Exhibit D, and the Applicant's compliance with the City's Municipal Code, ordinances, regulations and laws.


**SECTION 3:** The City Manager or 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.

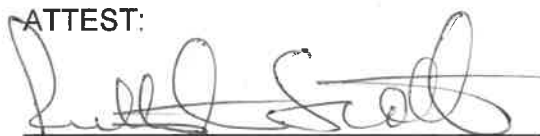
**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 23<sup>rd</sup> day of August 2021 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Verbic. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Verbic.



  
COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

## EXHIBIT A

### Legal Description – 1221 W. Lincoln Highway – Haymakers

THAT PART OF LOT 6 AND 7 OF WILLARD ORCHARD SUBDIVISION, OF PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF CALIENDO SUBDIVISION, AS RECORDED IN BOOK "R" OF PLATS, PAGE 17; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SUBDIVISION, 233.35 FEET (MEASURED 233.38 FEET) TO A SOUTH LINE OF LINCOLNSHIRE WEST SUBDIVISION, AS RECORDED IN BOOK "N" OF PLATS, PAGE 60; THENCE WESTERLY, ALONG SAID SOUTH LINE, 91.05 FEET TO A WEST LINE OF SAID LINCOLNSHIRE WEST SUBDIVISION; THENCE NORTHERLY, ALONG SAID WEST LINE, 66.65 FEET TO A SOUTH LINE OF SAID LINCOLNSHIRE WEST SUBDIVISION; THENCE WESTERLY, ALONG SAID SOUTH LINE 103.0 FEET TO AN EAST LINE OF SAID LINCOLNSHIRE WESTSUBDIVISION; THENCE SOUTHERLY, ALONG SAID EAST LINE, 72.15 FEET TO A SOUTH LINE OF SAID LINCOLNSHIRE WEST SUBDIVISION; THENCE EASTERLY, ALONG THE EASTERLY EXTENSION OF SAID SOUTH LINE, 49.15 FEET TO A LINE 216.09 FEET EASTERLY OF, AS MEASURED ALONG THE SOUTH LINE OF SAID LOT 7, THE WEST LINE OF SAIDLINCOLNSHIRE WEST SUBDIVISION; THENCE SOUTHERLY, PARALLEL WITH THE EST LINE OF SAID LINCOLNSHIRE WEST SUBDIVISION, 233.35 FEET (MEASURED 233.4 FEET) TO THE SOUTH LINE OF SAID WILLARD ORCHARD SUBDIVISON; THENCE EASTERLY, ALONG SAID SOUTH LINE, 145.0 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS. (EXCEPTING THEREFROM ANY PART WHICH MAY FALL IN ILLINOIS ROUTE 38)

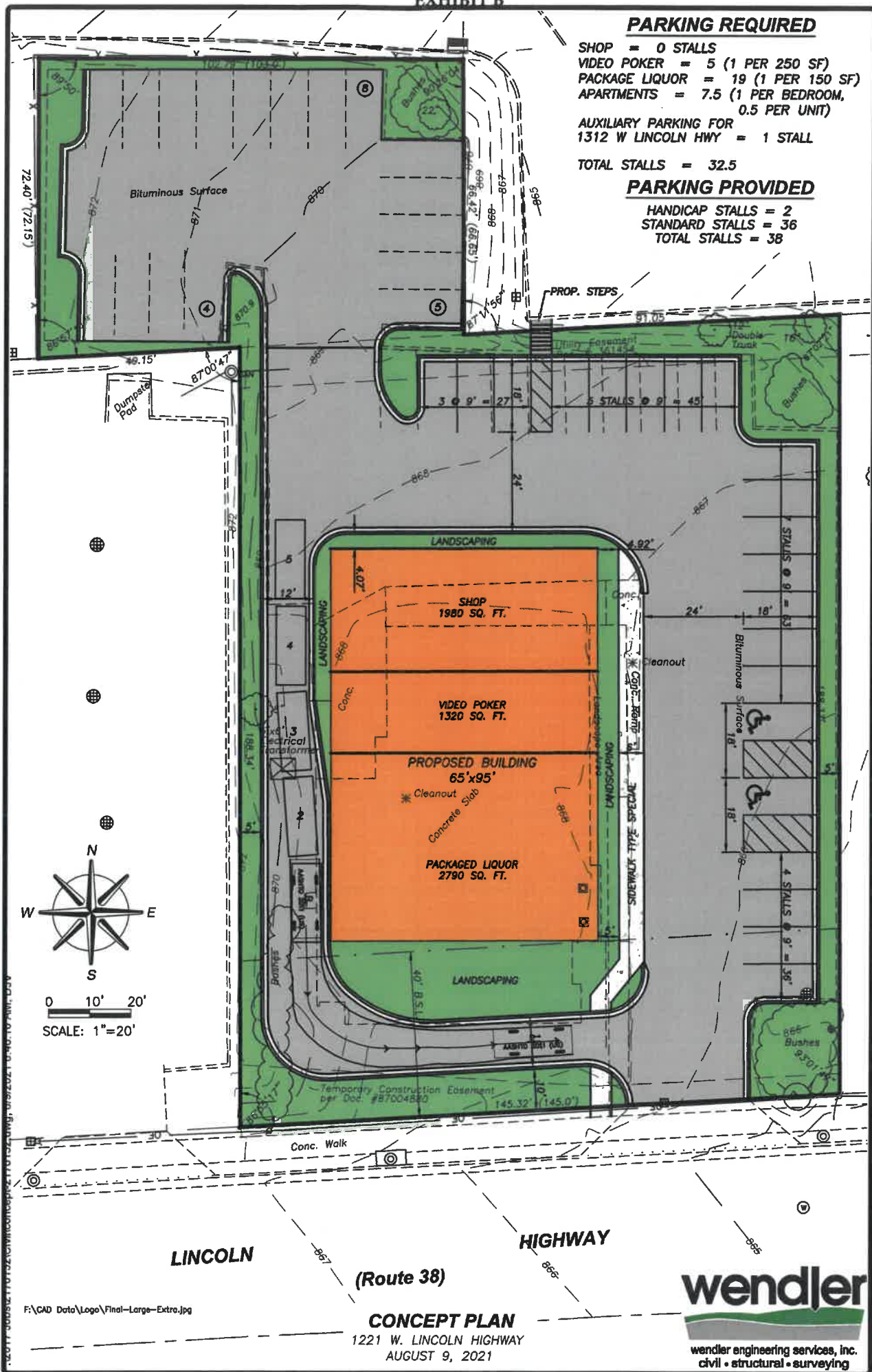
**PARKING REQUIRED**

SHOP = 0 STALLS  
 VIDEO POKER = 5 (1 PER 250 SF)  
 PACKAGE LIQUOR = 19 (1 PER 150 SF)  
 APARTMENTS = 7.5 (1 PER BEDROOM,  
 0.5 PER UNIT)  
 AUXILIARY PARKING FOR  
 1312 W LINCOLN HWY = 1 STALL

TOTAL STALLS = 32.5

**PARKING PROVIDED**

HANDICAP STALLS = 2  
 STANDARD STALLS = 36  
 TOTAL STALLS = 38



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## **Exhibit C**

### **Planned Development Standards**

#### **Permitted and Special Uses:**

**Permitted Uses:** Package liquor store with a drive-through, video gaming establishment, shop/storage area and dwelling units on the upper level of the building not exceeding three, two-bedroom apartment units. Any other permitted uses listed in the "GC", General Commercial District of the Unified Development Ordinance.

**Special Uses:** Those special uses 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 an adjacent residential district.
3. Article 12.03(6) - Reduce the parking setbacks along the interior lot lines as shown on the preliminary development plan labeled as Exhibit A.

## **Exhibit D**

### **Conditions**

Prior to a building permit being issued for the site, the following items shall be addressed:

1. 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.
2. A vehicle turn-around area shall be established in the northwest portion of the property per the approval of the City Manager or designee.
3. Signage must be installed to clearly designate the drive-through lane.
4. The drive-through for the package liquor store must meet the applicable requirements of Chapter 38 "Intoxicating Liquors" of the Municipal Code.



2021011168

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 8/26/2021 10:46 AM  
REC FEE: 75.00

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

PAGES: 8

POOR ORIGINAL OR CONTAINS COLORED INK  
RECORDER NOT RESPONSIBLE  
FOR REPRODUCTION

**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 2021-032**

**AUTHORIZING A ZONING MAP AMENDMENT FROM THE "GC" GENERAL COMMERCIAL DISTRICT AND THE "MFR2" MULTI-FAMILY RESIDENTIAL DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT AND APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN FOR 1221 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (BLUE RIDGE LLC - 1221).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 23<sup>rd</sup> day of August 2021.

**WITNESS** my hand and the official seal of said City this 26<sup>th</sup> day of August 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