

AUTHORIZING A ZONING MAP AMENDMENT FROM THE "LC" LIGHT COMMERCIAL DISTRICT TO THE "SFR2" SINGLE FAMILY RESIDENTIAL DISTRICT FOR 1421 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government and 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, Equity Trust Company Custodian, FBO Mary Zvirzdin IRA, represented by Betty Shattuck (the "Applicant"), is the owner of the property commonly known as 1421 E. Lincoln Highway and legally described on Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Applicant petitioned the City to approve a zoning map amendment from the "LC" Light Commercial District to the "SFR2" Single-Family Residential District for the Property; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City's Planning and Zoning Commission (the "PZC") on January 3, 2022; and

WHEREAS, the City and Applicant conducted all required public hearings before the City's PZC for the rezoning of the Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that the proposed rezoning conforms with the applicable zoning factors in the City's Unified Development Ordinance (the "UDO"), find that approving the rezoning of the Property is in the public interest for the protection of the public health, safety and welfare, 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 East Lincoln Highway Corridor Plan from 2005 recommends "Mixed Residential" for the Property, as well as the area along the north side of E. Lincoln Highway between Elm St. and Cotton Ave. The 2005 East Lincoln Highway Corridor Plan recommended a fairly ambitious rehabilitation plan for the area (Dodge Addition) to contain a mix of affordable and market rate units including single-family detached and walk up apartment units. The "LC" zoning classification in this area has been in place for several decades, however commercial development has not followed. Rezoning the Property from the "LC" District to the "SFR2" District would assist in bringing the Property into compliance with the Corridor Plan.

If the home was destroyed or demolished, constructing a commercial building on the site and

meeting all the setback and parking requirements of the "LC" District would be very difficult. The lot is only 4,972 sq. ft. and is not conducive to "LC" zoning. The current site would not have enough area for parking and would require the removal of the existing garage. "SFR2" zoning is the most appropriate classification for the Property.

2. The proposed rezoning conforms to the intent and purpose of the UDO.

The rezoning of the Property to the "SFR2" District would allow it to be compatible with the existing use on the site, which is a single-family detached home. The single-family home on the subject site would conform more to the regulations of the "SFR2" District than the "LC" District.

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 Property to a use that is compatible with the adjacent area. The existing zoning of the adjacent homes along E. Lincoln Highway would not be negatively affected by this rezoning request. In addition, there would be no impact to the commercial uses along the south side of the highway. Rezoning the subject site to the "SFR2" District will help increase property values. The existing "LC" zoning along the north side of E. Lincoln Highway is driving down property values and eliminating the ability to finance the homes with a residential mortgage.

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 Property is currently zoned "LC" Light Commercial District. Rezoning the Property to "SFR2" will allow the single-family home on the site to be compatible with the underlying zoning district.

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

Adequate public services and utilities are already provided to the Property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

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

SECTION 2: The City's corporate authorities approve a zoning map amendment from the "LC" Light Commercial District to the "SFR2" Single-Family Residential District for the Property legally described in Exhibit A attached hereto and incorporated herein, and further authorize and direct the City Manager to amend to "Official Zoning Map" of the City to depict the Property as located within the "SFR2" Single-Family Residential District.

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 City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, 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 10th day of January 2022 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

THE SOUTH 85 FEET OF LOT 4 IN BLOCK 3 IN MARTIN DODGE ADDITION TO DEKALB ACCORDING TO THE PLAT THEREOF RECORDED MAY 13, 1909, IN PLAT BOOK "D", PAGE 35, ALL IN DEKALB COUNTY, ILLINOIS.



2022000425

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL
RECORDED: 1/12/2022 10:30 AM
REC FEE: 55.00

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

PAGES: 5

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 2022-004

AUTHORIZING A ZONING MAP AMENDMENT FROM THE "LC" LIGHT COMMERCIAL DISTRICT TO THE "SFR2" SINGLE FAMILY RESIDENTIAL DISTRICT FOR 1421 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 10th day of January 2022.

WITNESS my hand and the official seal of said City this 12th day of January 2022.

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