

AUTHORIZING A ZONING MAP AMENDMENT FROM THE “SFR1” SINGLE FAMILY RESIDENTIAL DISTRICT TO THE “PD-R” PLANNED DEVELOPMENT – RESIDENTIAL DISTRICT AND A ZONING MAP AMENDMENT FROM THE “GC” GENERAL COMMERCIAL DISTRICT TO THE “PD-R” PLANNED DEVELOPMENT – RESIDENTIAL DISTRICT, AND APPROVAL OF THE PRELIMINARY PLAN FOR 2616 BARBER GREENE ROAD, DEKALB, ILLINOIS, AND 1383 BARBER GREENE ROAD, DEKALB, ILLINOIS (ARISTA RESIDENCES).

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, American National Bank Trust #2179 (the “Owner”), by and through Owner's Co-Trustees, Herb Buhr and Linda Buhr, is the current owner of property commonly known as 1383 and 2616 Barber Greene Road, DeKalb, Illinois, legally described in Exhibit A attached hereto and incorporated herein (the “Property”); and

WHEREAS, Pappas Development, LLC (the “Developer”) is the contingent contract-purchaser of the Property; and

WHEREAS, Owner and Developer (collectively, the “Petitioner”) petitioned the City to approve the following: (1) the rezoning of the Property to “PD-R” – Planned Development Residential District (the “Rezoning”); (2) a preliminary development plan for the Arista Residences development of a 4-story executive suites building with 61 1-bedroom units on the Property, to be called Arista Residences, as further depicted in the drawings attached hereto and incorporated herein as Group Exhibit B (the “Preliminary Plan”); and (3) exceptions to the City’s Unified Development Ordinance (the “UDO”) requirements for the minimum site size for a planned development and the minimum common open space requirement for a “PD-R” zoned development (the “Exceptions”); and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City’s Planning and Zoning Commission (the “PZC”) on January 18, 2022; and

WHEREAS, the City and Petitioner conducted all required public hearings before the City’s PZC for the rezoning of the Property and approval of the Preliminary Plan; and

WHEREAS, the City’s corporate authorities adopt and incorporate by reference the PZC’s findings of fact and further find that: (1) approving the Petitioner’s petition for the Rezoning, Preliminary Plan, and Exceptions is in the public interest for the protection of the public health, safety and welfare; and (2) the Rezoning, Preliminary Plan, and Exceptions conform with the applicable standards in the UDO as follows:

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 commercial use. Although the proposed use is residential, the building has a commercial appearance and meets the intent of the Plan. The proposed rezoning request will allow the development of a site that has remained unoccupied for about two years. The project will be an economic benefit to the community and the Sycamore Road/Barber Greene Road corridors.

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 development plan and standards. 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. The property has been for sale for 18 years and the former business on the site has been closed for about two years. The building has a commercial appearance and will be compatible with the surrounding area, which comprises of a variety of commercial uses. The additional residences to the area will be a benefit to the nearby businesses. The proposed rezoning request and preliminary plan will allow the development of a highly visible parcel along the Barber Greene Road corridor into a use that will meet a housing need in the area, while spurring increased property taxes.

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.

Part of the subject property is unincorporated and will be rezoned to the "PD-R", Planned Development Residential District. The eastern 1.1 acres of the site will be rezoned from the "GC" General Commercial District to the "PD-R" District. Rezoning the property to "PD-R" will allow for a well-designed project and the flexibility by the applicant to develop the property in a manner that will complement the surrounding neighborhood. In addition, the proposed rezoning request will allow the development of a site that has remained unoccupied for about two years.

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

Adequate public services will be provided to the subject property. An existing 16' sanitary sewer running through the site will be relocated to the perimeter of the property and will connect sewer service to the building. A sidewalk will be constructed along Barber Greene Rd. to connect with existing walks to the west and east.

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 the Rezoning, Preliminary Plans, and Exceptions, subject to the following conditions: (1) the City's "Official Zoning Map" shall be amended to depict the Property legally described in Exhibit A attached hereto and incorporated herein as located within the "PD-R" – Planned Development Residential District"; (2) the Preliminary Plans for the Arista Residences development of a 4-story executive suites building with 61 1-bedroom units on the Property as depicted in Group Exhibit B attached hereto and incorporated herein shall be approved; (3) the Exceptions to the UDO's minimum site size and common open space requirements shall be approved, waived, and excepted; (4) the Planned Development Standards for the Property attached hereto and incorporated herein as Exhibit C to this Ordinance (the "Planned Development Standards"); (5) Developer's purchase of the Property; (6) Developer's compliance with the Staff Comments attached hereto and incorporated herein as Exhibit D to this Ordinance (the "Staff Comments"); (7) Developer's compliance with the City's Municipal Code and applicable law regarding the ownership and development of the Property; and (8) Petitioner's compliance with Petitioner's representations to City Staff, the PZC, and the City Council.

SECTION 3: 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 4: 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 24th day of January 2022 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, McAdams, Barnes. Nay: None. Absent: Verbic, Faivre. Second Reading waived by a 6-0-2 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Barnes. Nay: None. Absent: Verbic, Faivre.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

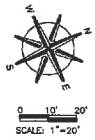
EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

Lot Five (5) of Fred C. Love's Subdivision of Assessor's Lot Sixty-two (62) on Section Twelve (12), Township Forty (40) North, Range Four (4) East of the Third (3rd) Principal Meridian, as per plat thereof recorded in Book "D" of Plats, page 8, situated in DeKalb County, Illinois. Part of the East Half (E1/2) of Section Twelve (12), Township Forty (40) North, Range Four (4) East of the Third (3rd) Principal Meridian, described as follows: Beginning at the Southeast corner of Lot Five (5) of Fred C. Love's Subdivision of Assessor's Lot Sixty-two (62), as shown on the plat recorded in DeKalb County, in Book "D" of Plats, page 8; running thence North along the East line of Lots One (1) and Five (5) to the Northeast corner of Lot One (1) in said Fred C. Love's Subdivision; thence Easterly, at right angles, 120 feet to the West line, extended North of Klage's Subdivision, according to the plat thereof recorded in DeKalb County, in Book "J" of Plats, page 29, as Document No. 283590; thence South on said Northerly extension of said West line, 400 feet to the South line of said Lot Five (5), extended East; thence West, along said South line extended East, 120 feet to the Point of Beginning, in DeKalb County, Illinois.

**GROUP EXHIBIT B
(Preliminary Plans)**

1. Concept Plan by Wendler Engineering Services dated 1-7-21;
2. Architectural Elevations (two sheets) dated 12-26-21
3. Landscape Plan (Sheet L1) prepared by Site to Place, Inc. dated 1-11-22.



NO.	REVISIONS	DATE

DESIGNER	WENDLER
CHECKER	WENDLER
DATE	11/15/2011
PROJECT NO.	1100000000
CLIENT	PAPPAS DEVELOPMENT
LOCATION	BARBER GREENE ROAD, COUNTY FARM ROAD, HOUSTON, TX

wendler
wendler engineering services, inc.
civil-structural-surveying
www.wendler.com
www.wendler.com

GROUP EXHIBIT B

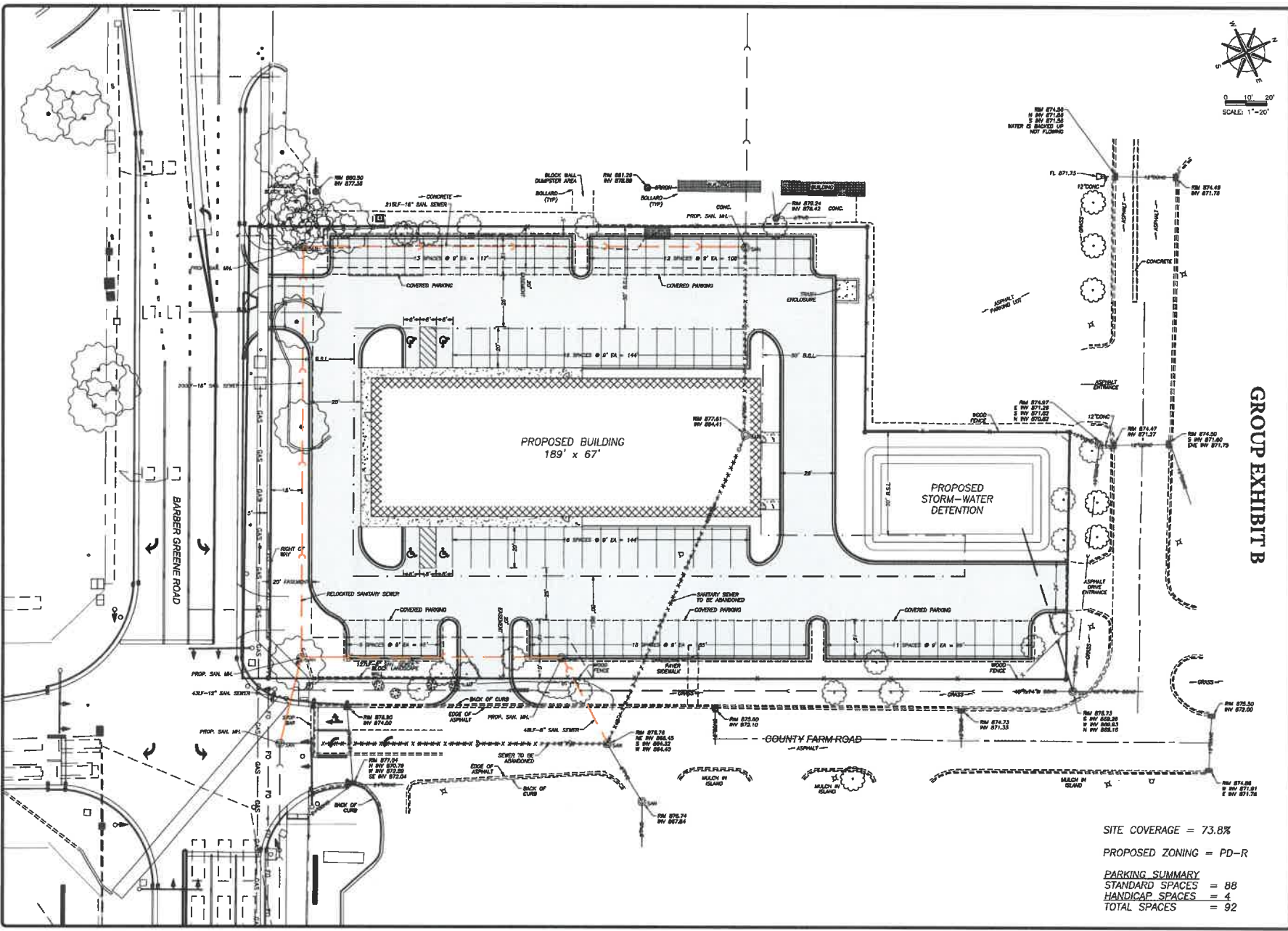
**CONCEPT PLAN
OF
ARISTA RESIDENCES
FOR
PAPPAS DEVELOPMENT**

SHEET TITLE
**CONCEPT
PLAN**

JOB NUMBER
2214310

DATE
01/07/2011

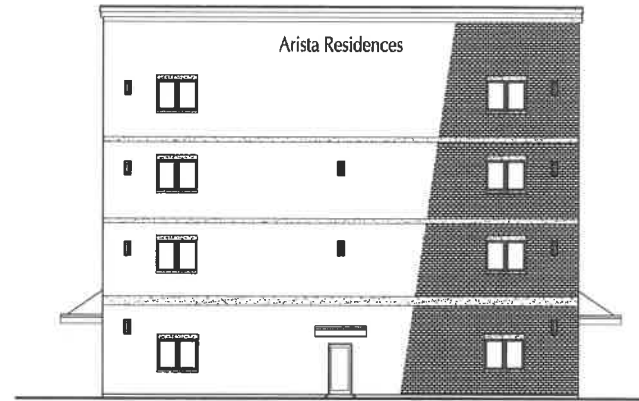
SHEET NO.
1 of 1



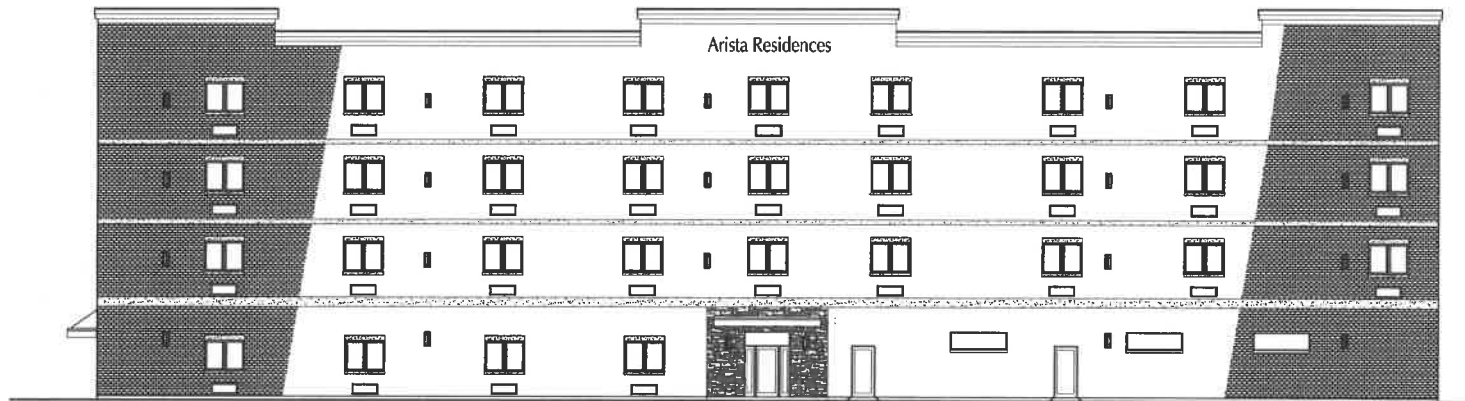
SITE COVERAGE = 73.8%
PROPOSED ZONING = PD-R
PARKING SUMMARY
STANDARD SPACES = 88
HANDICAP SPACES = 4
TOTAL SPACES = 92

11/15/2011 11:00:00 AM 11/15/2011 11:00:00 AM 11/15/2011 11:00:00 AM 11/15/2011 11:00:00 AM 11/15/2011 11:00:00 AM

ISSUED FOR:	
PERMIT / CONSTRUCTION:	02/26/2021



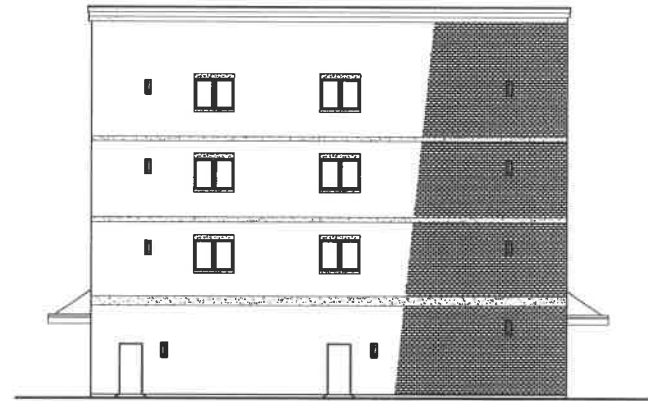
BARBER GREENE ROAD ELEVATION



COUNTY FARM ROAD ELEVATION

ARISTA RESIDENCES PRELIM ELEVATION
 SHEET
 SK1

ISSUED FOR:	
PERMIT / CONSTRUCTION	02/26/2017



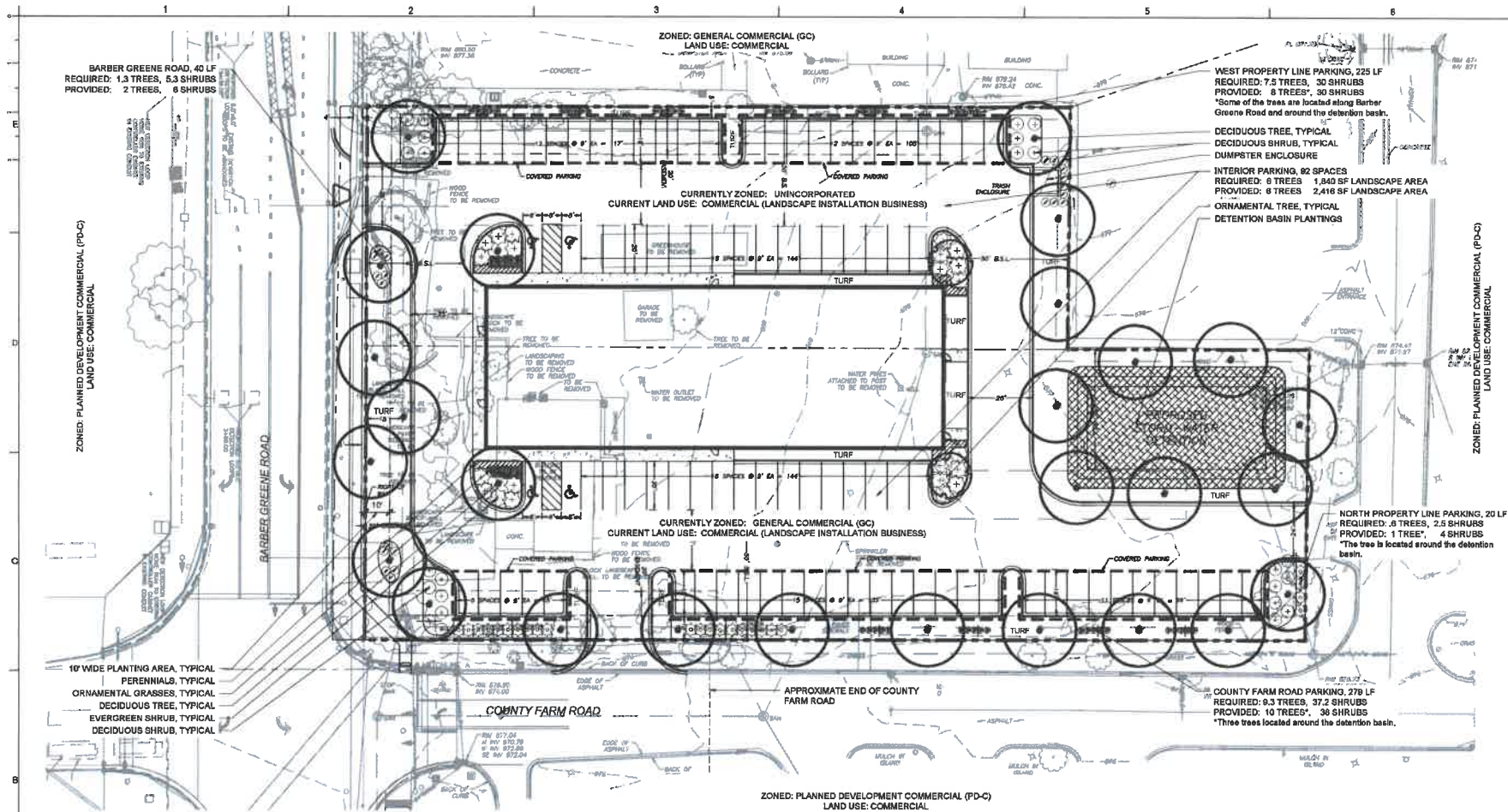
ALLEY ELEVATION



WEST SIDE - ROUTE 23

ARISTA RESIDENCES PRELIM ELEVATION

SHEET
SK1



SITE TO PLACE INC.
 Site to Place, Inc.
 847 South Randall Road, #400
 Elgin, Illinois 60120
 Phone: (815) 598-5534 Fax: (815) 540-3095
 www.sitoplacelc.com

CONSULTANTS:

SCALE(S):

PREPARED FOR:
Wendler Engineering Services, Inc.
 Dixon, Illinois

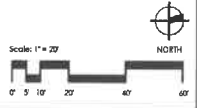
PROJECT NAME:
Arista Residences Site and Landscape Improvements
 DeKalb, Illinois

PROJECT NO.: 018-005
 ISSUED: FOR CITY REVIEW
 DATE: 12/03/2021

REVISIONS:

NO.	DATE	DESCRIPTION
1	01/11/2022	Per City Comment

DRAWN BY: BMS
 CHECKED BY: BMS



SHEET TITLE:
PLANTING CONCEPT PLAN

L1

Planting Notes

1. Base map information obtained from geometric site, grading, and utility plans prepared by Wendler Engineering Services, Inc. dated 01/07/2022.
2. This plan is a concept. Final planting designs will reflect final site plans.
3. It is presumed, at this stage of the project, that all existing trees will be removed from the property.
4. The potential material list represents species likely to be selected during the design process.

Potential Material List

Description	Estimated Quantity	Unit of Measure	Size	Rootball Condition	Description	Estimated Quantity	Unit of Measure	Size	Rootball Condition	Description	Estimated Quantity	Unit of Measure	Size	Rootball Condition
Deciduous Trees	8	EA	2.5' CAL	B/B	Ornamental Trees	8	EA	6' HGT	B/B	Juniperus horizontalis 'Wilsoni'	0	EA	24" WD	B/B
Acer x Freemanii 'Unifolium Autumn Blaze'	0	EA	2.5' CAL	B/B	Amelanchier canadensis	0	EA	6' HGT	B/B	Blue Star Juniper	0	EA	12 GAL	Ported
Audubon Blaze Maple	0	EA	2.5' CAL	B/B	Rhodod. Scaberrubra	0	EA	6' HGT	B/B	Juniperus x pfitzeriana 'Sea Green'	0	EA	24" WD	B/B
Acer x Freemanii 'Sensational'	0	EA	2.5' CAL	B/B	Amelanchier x greenleaf Autumn Brilliance'	0	EA	6' HGT	B/B	Sea Green Juniper	0	EA	24" WD	B/B
Quercus densiflora	0	EA	2.5' CAL	B/B	Audubon Brilliance Serviceberry	0	EA	6' HGT	B/B	Sea Green Juniper	0	EA	24" WD	B/B
Celtis occidentalis	0	EA	2.5' CAL	B/B	White Fraxinifolia	0	EA	6' HGT	B/B	Taxus x media 'Everlow'	0	EA	24" WD	B/B
Hedera	0	EA	2.5' CAL	B/B	Prickly Pear	0	EA	6' HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Pyracantha	0	EA	2.5' CAL	B/B	Prickly Pear	0	EA	6' HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Gleditsia triacanthos 'Inermis Skylander Skyline'	0	EA	2.5' CAL	B/B	Syringa reticulata 'hony Silk'	0	EA	6' HGT	B/B	Parrotilla & Grousebeak	0	EA	12 GAL	Ported
Styphion tetragynus	0	EA	2.5' CAL	B/B	Very Old Japanese Tree Lilac	0	EA	6' HGT	B/B	Asplenium nidus	0	EA	12 GAL	Ported
Syringa reticulata	0	EA	2.5' CAL	B/B	Deodar Cedar	8	EA	12 GAL	Ported	Bulbous Wood	0	EA	12 GAL	Ported
Kanasky Oakleaf Tree	0	EA	2.5' CAL	B/B	Physocarpus opulifolius 'Japan'	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Platanus x auratifolia	0	EA	2.5' CAL	B/B	First Edition Amber Jubilee™ Newbark	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
London Plane Tree	0	EA	2.5' CAL	B/B	Rhus aromatica 'Sola-Low'	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Quercus imbricaria	0	EA	2.5' CAL	B/B	Sea-Low Fragrant Sumac	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
English Oak	0	EA	2.5' CAL	B/B	Viburnum dentatum 'Orion™ BLUE MUFFIN'	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Quercus macrocarpa	0	EA	2.5' CAL	B/B	Blue Multi-Floresced Viburnum	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Chinquapin Oak	0	EA	2.5' CAL	B/B	Blue Multi-Floresced Viburnum	0	EA	24" HGT	B/B	Everlow Tree	0	EA	24" WD	B/B
Ulmus Montan' ADOULADE'	0	EA	2.5' CAL	B/B	Jumpers Compact Juniper	0	EA	24" WD	B/B	Everlow Tree	0	EA	24" WD	B/B
Azalea™ Elm	0	EA	2.5' CAL	B/B	Kalley's Compact Juniper	0	EA	24" WD	B/B	Everlow Tree	0	EA	24" WD	B/B

PRELIMINARY DRAWING
 NOT FOR CONSTRUCTION

EXHIBIT C
(Planned Development Standards)

Permitted Uses:

Residential apartments not exceeding a total of 61 one-bedroom residential dwelling units.

Accessory uses to the residential units including a hospitality room, business center and full gym.

There shall be no commercial uses on the subject property.

Bulk Regulations/Landscaping/Parking/Open Space:

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 UDO, except as listed below.

1. Article 5.13.06 - A Planned Development under 2 acres.
2. Article 5.13.07(5) – Reduce the amount of required common open space as shown on the Preliminary Development Plan.

**EXHIBIT D
(Staff Comments)**

1. Prior to a building permit being issued for the site, the following item shall be addressed:
 - a. A Final Development Plan including an engineering plan, lighting (photometric) 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.