

APPROVING THE REZONING OF THE SITE AT 304 N. SIXTH STREET, DEKALB, ILLINOIS, AND ASSOCIATED PARKING LOT FROM THE "LI" LIGHT INDUSTRIAL DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT (MARTIN GARCIA MIRANDA AND PAULINA CHAVEZ MARTINEZ).

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, Martin Garcia Miranda and Paulina Chavez Martinez (the "Applicants") are the contingent-contract purchasers of property located at 304 N. Sixth Street, DeKalb, Illinois 60115 and legally described in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, Applicants petitioned the City to approve a zoning map amendment from the "LI" Light Industrial District to the "LC" Light Commercial District for the Property (the "Rezoning"); and

WHEREAS, on September 6, 2022, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") had a public hearing on the Rezoning and recommended approving the Rezoning; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's recommendation and findings, find that the Rezoning is in the public interest for the promotion of the public health, safety and welfare, and further find that:

STANDARDS FOR A ZONING MAP AMENDMENT

- 1. The Rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area.**

The 2022 Comprehensive Plan recommends that the Property be zoned for commercial uses. The site contains a 9,900 square foot building that is zoned "LI", Light Industrial. The proposed "LC" zoning is more appropriate for the site and is compatible with the surrounding neighborhood. The trend of development in the area has been more commercial and office uses rather than industrial uses.

- 2. The Rezoning conforms to the intent and purpose of the Unified Development Ordinance (the "UDO").**

The rezoning of the subject property to the "LC" Light Commercial District will better match the proposed uses for the Property. The intent of the "LC" District is to be in areas adjacent to collector and some arterial streets and is designed to accommodate the retail and limited service needs of a larger consumer population. The Property is one block away from N. Seventh Street and on the edge of the downtown area. Thus, the proposed "LC" District meets the UDO's intent and purpose.

- 3. The 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 uses that are complementary and compatible with the adjacent neighborhood. Most of the surrounding area is already developed. Adequate off-street parking will be provided in the parking lot across Oak Street. The proposed "LC" District fits into the surrounding neighborhood as similar zoning exists to the north and northwest of the Property.

- 4. The 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 "LI" Light Industrial District. Rezoning the Property to "LC" Light Commercial District will allow the demand for the intended land uses to be accommodated.

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

Adequate public services and utilities are already provided to the Property. A total of 48-50 off-street parking spaces are provided in the lot to the south of Oak Street and 46 spaces are required per the UDO. In addition, there is public parking along N. Sixth Street for 28 vehicles and additional spaces will be added along Oak Street. Adequate sidewalks and streets surround the site and will easily accommodate the impacts of the proposed rezoning.

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 "LI" Light Industrial District to the "LC" Light Commercial District for the Property 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 "LC" Light Commercial 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 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 September 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, Smith, McAdams, Verbic, Faivre Barnes. Nay: None. Absent: Larson, Perkins. Second Reading waived by a 6-0-2 roll call vote. Aye: Morris, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Larson, Perkins.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A

PARCEL 1: LOT 5 IN BLOCK 39 IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 8-1/4, ON DECEMBER 19, 1853, SITUATED IN DEKALB COUNTY, ILLINOIS.

PARCEL 2: LOTS 1 AND 2 IN BLOCK 38, ALL IN THE ORIGINAL VILLAGE (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 8-1/4 ON DECEMBER 19, 1853, IN DEKALB COUNTY, ILLINOIS.

P.I.N. 08-23-182-007 (affects Parcel 1); 08-23-185-001 (affects Lot 1 of Parcel 2); and 08-23-185-002 (affects Lot 2 of Parcel 2)



2022008956

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 9/15/2022 11:13 AM
REC FEE: 55.00

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

PAGES: 4

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 2022-045

APPROVING THE REZONING OF THE SITE AT 304 N. SIXTH STREET AND ASSOCIATED PARKING LOT FROM THE "LI" LIGHT INDUSTRIAL DISTRICT TO THE "LC" LIGHT COMMERCIAL DISTRICT (MARTIN GARCIA MIRANDA AND PAULINA CHAVEZ MARTINEZ).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 12th day of September 2022.

WITNESS my hand and the official seal of said City this 15th day of September 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