

AUTHORIZING A ZONING MAP AMENDMENT FROM THE "RC-1" RESIDENTIAL CONSERVATION DISTRICT - PUBLIC TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT FOR 311-317 N. 4TH STREET, 321 OAK STREET AND ASSOCIATED PARKING LOT (FIRST UNITED METHODIST CHURCH), DEKALB, ILLINOIS (JACOB TENNANT-EGGTOY STUDIOS DESIGN, INC).

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, Jacob Tennant (the "Applicant") is the contingent-contract purchaser of the property located at 311-317 N. Fourth Street and 321 Oak Street, DeKalb, Illinois 60115 and legally described as follows (the "Property"):

LOTS 6, 7 AND 8 IN BLOCK 3, AND LOTS 2 (EXCEPT THE NORTH 41 ½ FEET OF THE WEST HALF) AND 3 IN BLOCK 26, IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "A" OF PLATS, PAGE 8 ¼ ON DECEMBER 19, 1853, IN DEKALB COUNTY, ILLINOIS.

Common Address: 311-317 N. 4th Street and 321 Oak Street, DeKalb, IL 60115

Parcel Identification Numbers ("PIN"): 08-23-154-005, 08-23-154-006, and 08-23-180-020.

WHEREAS, Applicant petitioned the City to approve a zoning map amendment from the "RC-1" Residential Conservation District - Public to the "PD-C" Planned Development 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 protection of the public health, safety and welfare, and further find that:

STANDARDS FOR A ZONING MAP AMENDMENT AND PLANNED DEVELOPMENT

- 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 the subject site for institutional uses based upon the existing church use. The Rezoning also meets goals in the 2022 Comprehensive Plan regarding downtown enhancement and historic preservation. The proposed "PD-C" zoning is appropriate for the site and is compatible with the surrounding neighborhood. The DeKalb Public Library to the west of the site is zoned PD-C. The Agora Tower project to the southeast of the site is also zoned PD-C and will contain a mix of residential and commercial 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 “PD-C” District will better match the proposed uses for the property. The intent of the “PD-C” District is to provide a means of achieving greater flexibility in the development of properties and to accommodate a variety of uses. The proposed uses and the timing of the current user vacating the premises requires Planned Development zoning. The proposed “PD-C” District meets the intent and purpose of the UDO.

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 subject property to uses of the Property that are complementary and compatible with the adjacent neighborhood. Most of the surrounding area is already developed and adequate off-street parking will be provided in the parking lot across N. 4th St. The proposed “PD-C” District fits into the surrounding neighborhood, with similar zoning existing to the west (DeKalb Library) and southeast (Agora Tower).

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 “RC-1” Residential Conservation District – Public. Rezoning the Property to the “PD-C”, Planned Development Commercial District will allow the art studio, exhibit space and accessory uses to be established, along with the continuation of the church. In addition, the “PD-C” zoning will allow uses on the Property that will be compatible with the surrounding neighborhood.

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 36 off-street parking spaces are provided in the lot across N. 4th St. In addition, there is public parking to the southwest of the site within walking distance. 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 “RC-1” Residential Conservation District - Public to the “PD-C” Planned Development Commercial District for the Property, subject to the following conditions: (1) Applicant’s compliance with the Planned Development Standards attached hereto and incorporated as Exhibit A (the “Planned Development Standards”); (2) Applicant’s compliance with applicable laws, regulations, rules, and the City of DeKalb Municipal Code; and (3) Applicant’s compliance with all representations made to the City, PZC, and City Council. The City’s corporate authorities further authorize and direct the City Manager to amend to “Official Zoning Map” of the City to depict the Property as located within the “PD-C” Planned Development 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

Planned Development Standards

Permitted Uses:

Art studio, exhibit space and associated uses. Retail space associated with the art studio shall not exceed 1,000 sq. ft.

Church and associated uses until August 31, 2023.

Bulk Regulations/Landscaping/Parking/Open Space:

Any necessary waivers to the UDO are approved for the subject site, including a Planned Development under 2 acres. Setbacks, building lines, site coverage, building dimension limitations, height restrictions, parking, landscaping and other similar restrictions and regulations shall only apply to future improvements and shall meet the standards as set forth in the "GC" and "PD-C" Districts of the UDO along with the Building Code.



2022008957

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: 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 2022-045

APPROVING THE REZONING OF THE SITE AT 311-317 N. FOURTH STREET AND 321 OAK STREET (FIRST UNITED METHODIST CHURCH) AND ASSOCIATED PARKING LOT FROM THE "RC-1" RESIDENTIAL CONSERVATION DISTRICT - PUBLIC TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT (JACOB TENNANT, EGGTOY STUDIOS DESIGN, INC.).

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