

**APPROVING THE REZONING OF THE AFTON ROAD RIGHT-OF-WAY FROM E. GURLER ROAD TO KESLINGER ROAD FROM THE "SFR1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE "HI" HEAVY INDUSTRIAL DISTRICT (CITY OF DEKALB).**

**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**, the City is the owner of the Afton Road Right-of-Way located from E. Gurler Road to Keslinger Road, DeKalb, Illinois 60115 that is legally described in Exhibit A attached hereto and incorporated herein (the "Property"); and

**WHEREAS**, the City petitioned to approve a zoning map amendment from the "SFR1" Single-Family Residential District to the "HI" Heavy Industrial District for the Property (the "Rezoning"); and

**WHEREAS**, on September 19, 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 of fact, find that the Rezoning is in the public interest for the protection of the public health, safety and welfare, and further find that:

- 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 Property for Industrial and Transportation/Utilities. The proposed "HI" zoning is the most appropriate for the Property and is compatible with the surrounding zoning. The trend of development in the area has been industrial uses.

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

The rezoning of the Property to the "HI" Heavy Industrial District will be compatible with the surrounding zoning. The intent of the "HI" District is to be in areas where the potential for noise, vibration, traffic, and other potential negative impacts are located.

- 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. PD-I zoning exists to the west at the 500 plus acre Meta campus. The official zoning of the road brings contiguity to the areas south and east of Meta, which will open up more area for annexations.

**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 "Agriculture" in unincorporated DeKalb County. Rezoning the Property to "HI" Heavy Industrial District will allow the continued Industrial development in the surrounding area.

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

The Property is a roadway and accommodates the rural agricultural, commercial, and commuter traffic needs in the area.

**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 "SFR1" Single-Family Residential District to the "HI" Heavy Industrial District for the Property described in Exhibit A, 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 "HI" Heavy Industrial 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 26<sup>th</sup> 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: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins. Second reading waived by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins.



  
**COHEN BARNES, Mayor**

ATTEST:

  
Ruth A. Scott, Executive Assistant

**EXHIBIT A**  
**(LEGAL DESCRIPTION OF THE PROPERTY)**

The Property is legally described as follows:

Part of the East Half (1/2) of the Northeast Quarter (1/4) of Section One (1) and part of the Southeast Quarter (1/4) of Section One (1), Township Thirty-nine (39) North, Range Four (4) East of the Third Principal Meridien, bounded and described as follows to-wit: Beginning at the Northwest corner of the East Half (1/2) of the Northeast Quarter (1/4) of said Section One (1); thence South 89 degrees 41 minutes 57 seconds East along the North line of said Northeast Quarter (1/4) a distance of 66.0 feet; thence South 00 degrees 33 minutes 32 seconds West parallel with the West line of said East Half (1/2) of the Northeast Quarter (1/4) a distance of 5253.49 feet more or less to the North right-of-way line of Keslinger Road; thence North 89 degrees 35 minutes 07 seconds West along said right of way line a distance of 66.0 feet; thence North 00 degrees 33 minutes 32 seconds East along the Southerly extension of the West line of the East Half (1/2) of the Northeast Quarter (1/4) of said Section One (1), a distance of 5253.36 feet more or less to the place of beginning. Situated in DeKalb County, State of Illinois. Containing 7.96 acres more or less.

PIN's: 11-01-200-010, 11-01-400-006, 11-01-400-008, and 11-01-400-010



2022009673

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL

RECORDED: 10/7/2022 10:04 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 2022-050**

**APPROVING THE REZONING OF THE AFTON ROAD RIGHT-OF-WAY  
FROM E. GURLER ROAD TO KESLINGER ROAD FROM THE "SFR1"  
SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE "HI" HEAVY  
INDUSTRIAL DISTRICT (CITY OF DEKALB, ILLINOIS).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 26<sup>th</sup> day of September 2022.

**WITNESS** my hand and the official seal of said City this 7<sup>th</sup> day of October 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