

REZONING PROPERTY AT 722 WEST LINCOLN HIGHWAY, 710 WEST LINCOLN HIGHWAY, 708 WEST LINCOLN HIGHWAY, 702 WEST LINCOLN HIGHWAY, AND 628 WEST LINCOLN HIGHWAY, MADE UP OF P.I.N. NUMBERS 08-22-152-012, 08-22-152-013, 08-22-152-014, 08-22-152-015, AND 08-22-152-016 TO PLANNED DEVELOPMENT COMMERCIAL "PD-C" WITH APPROVAL OF A FINAL PLAN FOR A TWO STORY PUBLIC FACILITY (POLICE STATION) AND A '160 COMMUNICATIONS TOWER.

WHEREAS, the City of DeKalb, has submitted a petition to rezone the properties commonly known as 710, 708, 702 and 628 West Lincoln Highway from either "LC" Light Commercial or "SFR-1" Single Family Residential to "PD-C" Planned Development Commercial; and,

WHEREAS, the DeKalb Planning and Zoning Commission held a public hearing and reviewed the request on August 8, 2012, and recommended approval of the rezoning request by a vote of 4-0 (Katz Absent), subject to conditions;

WHEREAS, the proposed rezoning is compatible with the existing land uses and proposed development plans for the area; will not impair the public health, safety, morals and welfare of the community, and will provide additional property tax revenue; now

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. That the Official Zoning Map of the City of DeKalb shall be amended by deleting therefrom the "LC" Light Commercial zoning for property located at 722 West Lincoln Highway and 710 West Lincoln Highway, and generally described as:

722 WEST LINCOLN HIGHWAY, 716 WEST LINCOLN HIGHWAY AND 710 WEST LINCOLN HIGHWAY MADE UP OF P.I.N. NUMBERS 08-22-152-012 AND 08-22-152-013 ALL IN THE CITY OF DEKALB, ILLINOIS

Section 2. That the Official Zoning Map of the City of DeKalb shall be amended by deleting therefrom the "SFR-1" Single Family Residential zoning for property located at 708 West Lincoln Highway, 702 West Lincoln Highway and 628 West Lincoln Highway, and generally described as:

708 WEST LINCOLN HIGHWAY, 702 WEST LINCOLN HIGHWAY AND 628 WEST LINCOLN HIGHWAY MADE UP OF P.I.N. NUMBERS 08-22-152-014, 08-22-152-015, AND 08-22-152-016 ALL IN THE CITY OF DEKALB, ILLINOIS

All five parcels are hereafter referred to as "the Properties".

Section 3. That the Properties shall be added to the Official Zoning Map as "PD-C" Planned Development Commercial, subject to the following restrictions, conditions and requirements:

1. The PD-C zoning for the Property shall include and require compliance with the preliminary plan and final plans attached and incorporated by reference as Group Exhibit "A", consisting of the layout plan, grading plan, landscaping plan, architectural elevations and site development plan. Group Exhibit A is incorporated into the zoning of the Property by reference, as if fully set forth herein. To the extent of any conflict between any of these Exhibits, or a conflict between any Exhibit and any term of this Ordinance, said conflict shall be resolved by the City, in its sole and absolute discretion. The foregoing plans are approved, as a component of the approval of this Ordinance. Any development of the Property shall conform to the Exhibits, unless a major or minor amendment of the Exhibits or the plans is permitted in accordance with the terms of this ordinance.
2. As a component of this rezoning, for development in strict accordance with this PD-C ordinance, the City waives the otherwise applicable restrictions:
 - a. Shall revise the building and engineering plans to address the comments found in the Engineering Division's Review Memorandum dated June 29, 2012.
 - b. Shall grant a side yard setback waiver of five (5') feet because the proposed building on the northeast corner of the building pad is only setback a minimum of forty-five (45') feet and the requirement is a minimum fifty (50') feet.
 - c. Shall grant a waiver of placing a landscaped area in the east side yard setback that is planted with one (1), two and one-half (2-1/2) inch caliper tree for every thirty (30) lineal feet of common property line and other ornamental vegetation having a height not less than six (6) feet at the time of planting so that all non-residential buildings and uses are effectively screened from the view of the abutting residential properties due to the forty foot utility easement that runs down the east property boundary.
 - d. Shall grant a waiver at the east property line from installing a neat, clean and maintained sight-proof fence or wall having a height of six (6') feet or use of earth sculpting, or berms may be allowed in place of the fencing provided they are designed to provide the same screening effect and are designed to avoid erosion, drainage or maintenance problems due to the forty foot utility easement.
 - e. Shall grant a side yard setback waiver of a minimum fourteen (14') for the location of the tower since its placement is located at a maximum thirty six (36') feet away from the side lot line in lieu of the minimum fifty (50') feet. Based upon the modification of the height of the tower this waiver may need to increase.
 - f. The Police Department needs a tower that is one hundred and sixty (160') feet tall. Therefore this ordinance shall grant a variance of one hundred (100') feet height variance because the zoning district permits or allows for buildings to be forty-five (45') feet tall and an additional fifteen (15') for communication towers so sixty feet is allowed by right.
 - g. City representatives shall submit building plans for the communications tower that are affixed with the seal of a certified structural engineer demonstrating that the tower will collapse within itself in the thirty six foot (36') buffer area between the tower and side lot line.
 - h. Shall install a fence around the communications tower not less than six (6) feet in height and landscaping shall be placed outside the required fence area on sides facing public rights-of-way or residential areas and shall consist of fast growing vegetation with a minimum planted height of four feet, spaced evenly at intervals equal to twice the expected width of the plant material.
3. No development shall be permitted on the Property unless such development is consistent with

the requirements of this Ordinance, the exhibits hereto, and the departures from otherwise applicable UDO standards permitted hereunder. In the absence of an expressly authorized deviation from the UDO standards, the UDO standards shall apply.

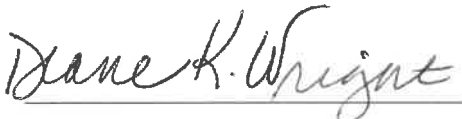
4. The City may:
 - a. approve major or minor amendments to the Exhibits A, B and/or C; or,
 - b. approve final plans that deviate from the requirements of the Exhibits A, B and/or C.
5. No further public hearings shall be required should the City determine to approve an amendment to the Exhibits, or choose to approve a plan that does not conform to the requirements of the Exhibits.
6. Any requirement under this Ordinance that requires the action or determination of the City shall be completed in accordance with the applicable provisions of the Unified Development Ordinance of the City. In the event that said ordinance fails to specify a review or decision making process for any given approval required under this Ordinance, said review or approval power shall be exercised by the City Manager or his designee.

Section 4. That this change in the Official Zoning Map, although effective immediately, be made on the Official Zoning Map no later than March 31, 2013.

Section 5. That all other provisions of the Unified Development Ordinance which do not conflict with this Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a regular meeting, held on the 13th day of August, 2012 and approved by me as Mayor on the same day. Waived second reading August 13, 2012. Passed by roll call vote 6-1-1. Aye: Jacobson, Teresinski, Gallagher, Baker, O'Leary, Povlsen. Nay: Naylor. Absent: Lash.

ATTEST:



DIANE K. WRIGHT, City Clerk



KRIS POVLSSEN, Mayor



wendler

wendler engineering services, inc.
GROUNDBREAKING SOLUTIONS
engineers • surveyors • scientists

"Keep in File"
Plat Cabinet 10
Slide 113-D

April 2, 2013

DeKalb County Recorder
DeKalb County Courthouse
Sycamore, IL 60178

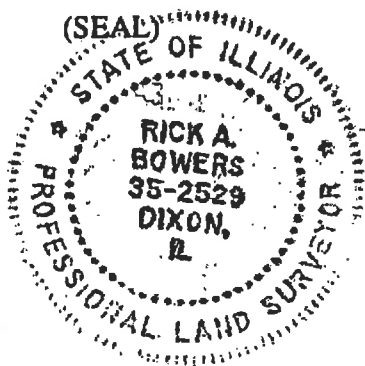
Dear Recorder:

This letter will serve as my authorization to allow Mr. Joel Maurer from the City of DeKalb to present for recording the Final Plat of "DeKalb Law Enforcement Center P.U.D.", located in the City of DeKalb, DeKalb County.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of April, 2013, A.D.

*223 South 4th St.
Suite A
DeKalb, IL 60115


RICK A. BOWERS
ILLINOIS PROFESSIONAL LAND SURVEYOR
No. 35-2529



CITY OF DEKALB

Engineering Department
223 South Fourth Street, Suite B
DeKalb, Illinois 60115
Phone: 815/ 748-2030
Fax: 815/ 748-2025

LETTER OF TRANSMITTAL

DATE <u>4-7-13</u>	JOB NO.
ATTENTION	
RE: <u>DeKalb Police Station</u> <u>700 West Lincoln Hwy</u>	

TO Diane Wright, City Clerk

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
- Copy of letter Change Order _____

COPIES	DATE	NO.	DESCRIPTION
1			<u>Recorded plat relating to Ordinance 12-69</u>

THESE ARE TRANSMITTED as checked below:

- For approval Approved as submitted Resubmit _____ copies for approval
- For your use Approved as noted Submit _____ copies for distribution
- As requested Returned for corrections Return _____ corrected prints
- For review and comment _____

FOR BIDS DUE _____, 20____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

Please place plat document with
your original of Ordinance 12-69

COPY TO _____

SIGNED: Joel Mauer