

APPROVING THE REZONING OF THE SITE AT 2239 SYCAMORE ROAD, DEKALB, ILLINOIS, FROM THE "SFR1" SINGLE-FAMILY RESIDENTIAL DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT (PAPPAS GLASGOW DEVELOPMENT LLC).

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, Pappas Glasgow Development LLC (the "Petitioner") is the owner of the property commonly known as 2239 Sycamore Road, DeKalb, Illinois and legally described in the attached and incorporated Exhibit A (the "Property"); and

WHEREAS, Petitioner petitioned (the "Petition") the City to seek the approval of: (1) the rezoning of the Property from the "SFR1" Single-Family Residential District to the "PD-C" Planned Development – Commercial District for a tent rental showroom, offices, and warehouse (the "Rezoning"); (2) exceptions to the City's Unified Development Ordinance (the "UDO") requirements for the minimum site size for a planned development, a reduction of 50-foot buffer area in PD-C District between a non-residential use and residential district, and an increase in the allowable warehouse space (the "Exceptions"); and (3) the Preliminary Development Plan - Plat of Survey attached and incorporated as Exhibit C (the "Preliminary Development Plan"); and

WHEREAS, on April 3, 2023, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Petition, made findings of fact, and recommend approving the Petition; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and recommendation and further find that approving the Petition is in the City's best interests for the protection of the public health, safety and welfare and conforms to the UDO, except as otherwise provided by the Exceptions, 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 2022 Comprehensive Plan recommends the Property for High Density Residential and Commercial. The Property contains a 30,000 sq. ft. building that is zoned "SFR1", Single-Family Residential. The proposed "PD-C" zoning is more appropriate for the Property due to the existing commercial building on the Property and the zoning for commercial uses of the adjacent properties. The trend of development in the area has been more commercial and service uses rather than single-family residential uses.

- 2. The proposed rezoning conforms to the UDO's intent and purpose.**

The Rezoning will better match the proposed use for the Property. The Planned Development

allows Petitioner and the City the flexibility to agree to appropriate development standards. The proposed rezoning and development comply with the UDO, except for the Exceptions. The Petition also meets the General Standard requirements for a Planned Development under 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. The building on the Property was constructed in 1969 and has been used for a warehouse and storage for over 50 years. Most of the surrounding area is already developed and adequate off-street parking is provided on the site. The proposed "PD-C" District fits into the surrounding neighborhood, with similar zoning existing to the south, east and north of the Property.

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.

The Property is currently zoned "SFR1" Single-Family Residential District. Rezoning the Property to "PD-C" Planned Development Commercial District will permit the intended land uses, and those uses are compatible with the surrounding area.

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

Adequate public services and utilities are already provided to the Property or adjacent to the site. A 6-inch water line will be extended to the building from an existing water line behind the Ellwood Steak & Fish House building. The building already has sanitary sewer service. A total of 35 parking spaces are provided on the lot meeting the required number per the UDO. In addition, there is shared parking with the Ellwood Steak & Fish House building. The existing access to Sycamore Road is more than adequate to accommodate the proposed use.

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 as Section 1 to this Ordinance.

SECTION 2: Subject to the conditions set forth in Section 3 of this Ordinance, the City's corporate authorities approve the Petition including, but not limited to: (1) the Rezoning and an amendment of the City's "Official Zoning Map" to depict the Property as located within the "PD-C" – Planned Development Commercial District"; (2) the Exceptions and the Development Standards for the Property set forth in the attached and incorporated Exhibit B (the "Development Standards"); (3) the Preliminary Development Plan - Plat of Survey attached and incorporated as Exhibit C; and (4) the Floor Plan attached and incorporated as Exhibit D (the "Floor Plan").


SECTION 3: The approvals provided by Section 2 of this Ordinance shall be subject to and contingent upon the following: (1) Petitioner's development, maintenance and use of the Property in conformity with this Ordinance, the Development Standards, the Preliminary Development Plan, the Floor Plan, the City's Municipal Code and applicable law; and (2) the building on the Property and depicted in the Preliminary Development Plan shall be connected to the City's water supply prior to issuance of a temporary occupancy permit.

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 that regard within 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 10th day of April 2023, and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

The land referred to herein below is situated in the City of Dekalb, County of Dekalb, State of Illinois and is described as follows:

That part of Lots A and B of the C. M. Cheatham Subdivision, a Resubdivision of part of Assessor's Lot 58 in Section 12, Township 40 North, Range 4, East of the Third Principal Meridian, Dekalb County, Illinois, described as follows: Commencing at the Southeast Corner of Said Lot "A" (said corner being a point on the Southeasterly line of said Subdivision, said line being labeled on the plat of said subdivision, the centerline of Sycamore Road before relocation); thence Northwesterly along the South Line of Said Lot "A", 293.0 feet for a point of beginning; thence Northwesterly along said South Line, 253.54 feet to a point 60.36 feet Southeasterly of, as measured along said South Line, the most Northerly corner of Said Lot "B"; thence Westerly 53.38 feet to a point on the West Line of Said Lot "B" that is 17.71 feet Southerly of, as measured along said West Line, the most Northerly corner of Said Lot "B"; thence Northeasterly along said West Line, 17.71 feet to the Southwest corner of Said Lot "A"; thence Northeasterly along the West Line of Said Lot "A", 151.2 feet to the Northwest corner of Said Lot "A"; thence Southeasterly along the North Line of Said Lot "A", 414.9 feet to an angle point in said North Line; thence Southeasterly along said North Line, 299.3 feet to said Southeasterly line of said Subdivision; thence Southwesterly along said Southeasterly line, 15.4 feet; thence Northwesterly parallel with said North Line, 290.0 feet; thence Southwesterly, 252.85 feet to the point of beginning.

EXHIBIT B
(Development Standards)

Planned Development Standards

Permitted Uses:

Warehouse and wholesale establishments, distribution centers.

Accessory uses including offices and showrooms.

Prohibited Uses:

The storage of hazardous substances.

Manufacturing or assembly of goods and products.

Outside storage of materials.

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-C" District and "GC" District of the UDO, except for the following exceptions:

Article 5.13.06 - A Planned Development under 2 acres.

Article 5.13.07(6)(b).- Reduction of the 50-foot buffer area in the PD-C District between a non-residential use an adjacent residential district as shown on the survey attached as Exhibit C.

Article 5.08.02 - Increase in the allowable warehouse space associated with a showroom to about 20,000 sq. ft. or about 66% of the total floor area as shown on the Floor Plan dated 3-18-23 and attached as Exhibit D.

