

APPROVING THE ZONING PETITION OF STEVEN GOLDIN TO REZONE CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF PEACE ROAD AND E. GURLER ROAD TO THE “PD-I” PLANNED DEVELOPMENT INDUSTRIAL DISTRICT AND TO APPROVE A CONCEPT PLAN FOR THE DEVELOPMENT OF FOUR BUILDINGS TOTALING APPROXIMATELY 1,645,000 SQUARE FEET TO ACCOMMODATE MANUFACTURING, PACKAGING, DISTRIBUTION AND WAREHOUSE USES.

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, Steven Goldin, as Trustee of DeKalb 2 Property Trust, DeKalb 3 Property Trust, DeKalb 4 Property Trust, and DeKalb 32 Property Trust (the “Applicant”), is the owner of approximately 130 acres of property that is legally described in the attached and incorporated Exhibit A (the “Property”); and

WHEREAS, pursuant to 65 ILCS 5/11-15.1-1, *et seq.*, the City and Applicant negotiated an Annexation and Development Agreement (the “Agreement”) to annex the Property and to develop four buildings to accommodate manufacturing, packaging, distribution and warehouse uses; and

WHEREAS, pursuant to the Agreement, Applicant petitioned the City to annex the Property, and upon annexation of the Property into the City’s corporate limits, to: (1) rezone the Property from the SFR1 Single-Family Residential District to the “PD-I” Planned Development – Industrial District; (2) permit manufacturing, packaging, distribution, and warehouse uses as permitted land uses for the zoning of the Property in addition to other uses permitted in the “PD-I” zoning district; (3) approve the Concept Plan prepared by RWG Engineering, LLC dated 7-14-23 attached and incorporated as Exhibit C (the “Concept Plan”); (4) provide for a maximum building square footage of 1,645,000 square feet; (5) establish the following setbacks: (a) parking – 100 feet from Peace Road and 75 feet from Gurler Road; (b) building – 175 feet from Peace Road and 150 feet from Gurler Road; (6) provide for the adoption of all other standards and regulations per the PD-I and HI zoning districts; (7) require the submission and approval of a Preliminary and Final Development Plan by the City’s Planning and Zoning Commission (the “PZC”) and City Council pursuant to the procedures of the City’s Unified Development Ordinance (the “UDO”) as a necessary precondition to the zoning entitlements provided by the Agreement; and (8) except as may otherwise be provided by the Agreement, any use or development of the Property shall conform to the “HI” Heavy Industrial District standards and the UDO’s requirements (collectively, the “Zoning Petition”); and

WHEREAS, on September 5, 2023, upon due notice as provided by law, the PZC held a public hearing on the Zoning Petition, made findings of fact, and recommended the approval of the Zoning Petition; and

WHEREAS, on September 11, 2023, upon due notice as provided by law, the City’s corporate authorities held a public hearing on the Agreement; and

WHEREAS, on September 11, 2023, the City’s corporate authorities adopted ordinances approving the Agreement and the Property’s annexation prior to their consideration of this Ordinance; and

WHEREAS, the City’s corporate authorities find that: (1) approving the Zoning Petition is in the City’s best interests for the protection of the public health, safety, and welfare; (2) the PZC’s findings of fact and recommendations are true, correct, adopted, and incorporated by reference;

and (3) the Zoning Petition conforms to the UDO's standards for a zoning map amendment, except as waived or excepted pursuant to this Ordinance, 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 Industrial uses. An approximately 775,000 sq. ft. warehouse and distribution facility (Kraft Heinz) is under construction just to the west of the Property and an approximately 700,000 sq. ft. distribution facility (Amazon) lies further to the west. The 1.6 million sq. ft. Ferrara distribution facility and packing center is to the west of the Amazon facility. The Meta (Facebook) Data Center campus lies directly south of the Property and has approximately 2.4 million sq. ft. under construction. Additional acreage for future manufacturing, distribution, office/research, and technology uses are available in the area. The rezoning of the Property to the "PD-I" Planned Development – Industrial District meets the intent of the City's Comprehensive Plan and is compatible with the trend of development in the area.

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

The rezoning of the subject property to "PD-I" provides the opportunity to more directly shape the development, use and appearance of this property in accordance with the City's Comprehensive Plan. The Planned Development allows the developer and the City the flexibility to agree to a development plan and standards. The proposed rezoning request and development are in compliance with the UDO. The proposal also meets the General Standard requirements for a Planned Development as described in 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 as it entitles the subject property to a use of the property that is complementary with the surrounding area. Large distribution and warehouses facilities lie to the west and a data center is located directly across E. Gurler Road. The proposed rezoning and concept plan will allow the development of a project that will strengthen the community's economic, employment, and tax base.

- 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 unincorporated and will be rezoned to the "PD-I", Planned Development Industrial District. Rezoning the Property to "PD-I" will allow for a well-designed project and the flexibility by the Applicant to develop the Property in a manner that will complement the surrounding area. Additional acreage for future manufacturing, distribution, office/research, and technology uses are available in the area.

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

Adequate public services will be provided to the Property. Detention areas are proposed on the north and southeast portions of the Property. Sanitary sewer will be extended from the west along the north side of E. Gurler Road and under Peace Road to the site. A water main exists on the far southwest portion of the Property. Adequate parking will be provided onsite, and the adjacent

roadways are constructed to handle the additional traffic impacts. A traffic study will be required once the end-user is determined, and necessary roadway improvements will be completed.

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 provisions of the Agreement and contingent upon the Applicant's compliance with the Agreement, the City's corporate authorities approve: (A) the Zoning Petition; (B) the rezoning of the Property from the SFR1 Single-Family Residential District to the "PD-I" Planned Development – Industrial District; (C) the Planned Development Standards attached and incorporated as Exhibit B (the "Planned Development Standards"); (D) manufacturing, packaging, distribution, or warehouse uses as permitted land uses for the zoning of the Property as well as other uses permitted in the "PD-I" zoning district; (E) the Concept Plan prepared by RWG Engineering, LLC dated 7-14-23 attached and incorporated as Exhibit C; (F) a maximum building square footage of 1,645,000 square feet; (G) the following setbacks: (a) parking – 100 feet from Peace Road and 75 feet from Gurler Road; (b) building – 175 feet from Peace Road and 150 feet from Gurler Road; (H) the adoption of all other standards and regulations per the PD-I and HI zoning districts; and (I) the requirement of the approval of a Preliminary and Final Development Plan by the PZC and City Council pursuant to the UDO's procedures. Except as may otherwise be provided by the Agreement and this Ordinance, any use or development of the Property shall conform to the "HI" Heavy Industrial District standards and the UDO's requirements.

SECTION 3: The City's corporate authorities authorize and direct: (1) the City Manager or designee to amend the City's "Official Zoning Map" to depict the Property as located within the "PD-I" Planned Development – Industrial District.

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 this Ordinance is 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 11th day of September 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Second Reading waived by a 7-1 roll call vote. Aye: Zasada, Larson, Smith, McAdams, Verbic, Walker, Barnes. Nay: Perkins.




COHEN BARNES, Mayor

ATTEST:

Ruth A. Scott, Executive Assistant

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

The Property is legally described as follows:

PARCEL 1 (Southeast)

That part of the Southeast Quarter of Section 36, Township 40 North, Range 4, East of the Third Principal Meridian, being described as follows: Beginning at the Southeast corner of the Southeast Quarter of said Section 36; thence North 89 degrees 42 minutes 25 seconds West along the south line of said Southeast Quarter, 1100.30 feet; thence North 0 degrees 17 minutes 25 seconds East, 1269.89 feet; thence South 89 degrees 42 minutes 25 seconds East 1095.04 feet to the east line of the Southeast Quarter of said Section 36; thence South 0 degrees 03 minutes 11 seconds West along said east line, 1269.91 feet to the place of beginning, in DeKalb County, Illinois.

PARCEL 2 (Southwest)

That part of the Southeast Quarter of Section 36, Township 40 North, Range 4, East of the Third Principal Meridian, being described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 36; thence North 89 degrees 42 minutes 25 seconds West along the south line of said Southeast Quarter, 1100.30 feet to the place of beginning; thence continuing North 89 degrees 42 minutes 25 seconds West along said south line, 1375.0 feet to the east right-of-way line of Peace Road; thence North 0 degrees 17 minutes 25 seconds East along said east right-of-way line, 1072.46 feet; thence South 89 degrees 42 minutes 25 seconds East, 1375.0 feet; thence South 0 degrees 17 minutes 25 seconds West, 1072.46 feet to the place of beginning, in DeKalb County, Illinois.

PARCEL 3 (Northwest)

That part of the Southeast Quarter of Section 36, Township 40 North, Range 4, East of the Third Principal Meridian, being described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 36; thence North 89 degrees 42 minutes 25 seconds West along the south line of said Southeast Quarter, 1100.30 feet; thence continuing North 89 degrees 42 minutes 25 seconds West along said south line, 1375.0 feet to the east right-of-way line of Peace Road; thence North 0 degrees 17 minutes 25 seconds East along said east right-of-way line, 1072.46 feet to the place of beginning; thence continuing North 0 degrees 17 minutes 25 seconds East along said east right-of-way line, 600 feet to the southerly right-of-way line of Interstate Highway No. 88; thence North 89 degrees 33 minutes 20 seconds East along said southerly right-of-way line, 145.51 feet; thence North 50 degrees 44 minutes 14 seconds East along said southerly right-of-way line, 480.69 feet; thence North 71 degrees 48 minutes 40 seconds East along said southerly right-of-way line, 262.49 feet; thence North 48 degrees 38 minutes 29 seconds East along said southerly right-of-way line, 198.49 feet; thence North 38 degrees 35 minutes 28 seconds East along said southerly right-of-way line, 476.34 feet; thence North 76 degrees 03 minutes 36 seconds East along said southerly right-of-way line, 171.63 feet; thence South 0 degrees 17 minutes 25 seconds West, 1539.15 feet; thence North 89 degrees 42 minutes 25 seconds West, 1375.0 feet to the place of beginning, in DeKalb County, Illinois.

PARCEL 4 (Northeast)

That part of the Southeast Quarter of Section 36, Township 40 North, Range 4, East of the Third Principal Meridian, being described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 36; thence North 89 degrees 42 minutes 25 seconds West along the south line of said Southeast Quarter, 1100.30 feet; thence North 0 degrees 17 minutes 25 seconds East, 1269.81 feet to the point of beginning; thence continuing North 0 degrees 17 minutes 25 seconds East, 1341.71 feet to the southerly right-of-way line of Interstate Highway No. 88; thence North 76 degrees 03 minutes 36 seconds East along said Southerly right-of-way line, 85.47 feet; thence North 88 degrees 41 minutes 26 seconds East along said Southerly right-of-way line, 1006.82 feet to the east line of the Southeast Quarter of said Section 36; thence South 0 degrees 03 minutes 11 seconds West along said east line, 1390.89 feet to a point 1269.91 feet North of the Southeast corner of the said Southeast Quarter; thence North 89 degrees 42 minutes 25 seconds East, 1095.04 feet to the place of beginning, in DeKalb County, Illinois.

**EXHIBIT B
(PLANNED DEVELOPMENT STANDARDS)**

Permitted Uses:

Manufacturing, Packaging, Distribution, Warehouse, and accessory uses not exceeding 1,645,000 square feet.

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 "HI" and "PD-I" District of the UDO, except as listed below.

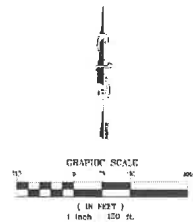
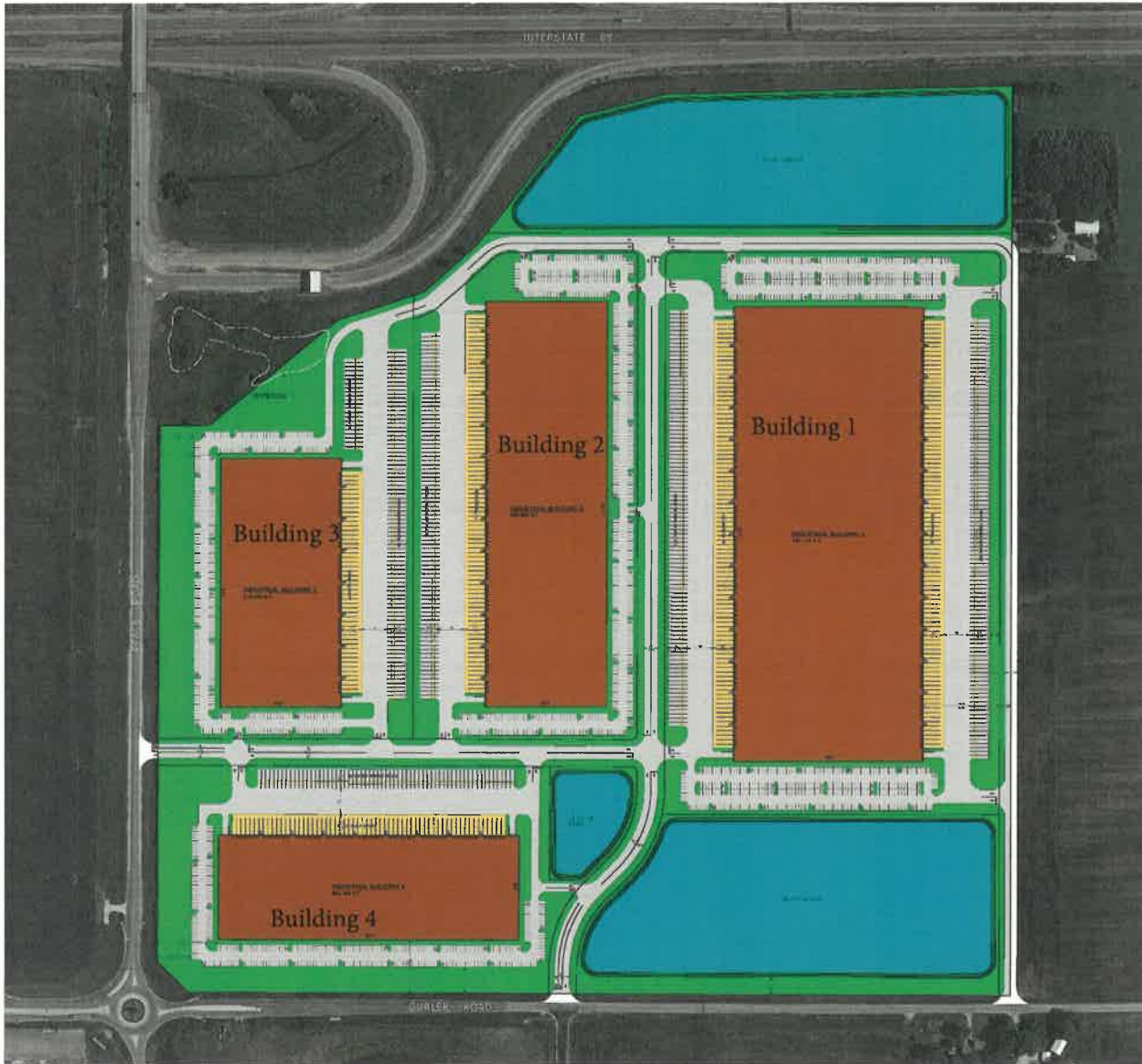
Minimum setbacks - (a) parking – 100 feet from Peace Road and 75 feet from Gurler Road; (b) building – 175 feet from Peace Road and 150 feet from E. Gurler Road.

Preliminary and Final Development Plan Review

A Preliminary and Final Development Plan shall be submitted and reviewed by the City's Planning & Zoning Commission and City Council pursuant to the procedures in the Unified Development Ordinance. A traffic study shall be submitted once an end-user is determined.

**EXHIBIT C
(Concept Plan)**

EXHIBIT C



ABBREVIATIONS LEGEND (IN ADDITION TO TITLE SHEET LEGEND)	
AD	ADDITION
AS	ASBESTOS
AV	AVIATION
AW	AWAY
B	BUILDING
BS	BEST
CA	CANAL
CD	CONCRETE
CE	CEILING
CH	CHIMNEY
CL	CLADDING
CM	COMMON
CO	CONCRETE
CP	COPY
CS	COURT
CT	COURT
CU	CURB
CV	CURB
DA	DATE
DC	DATE
DE	DATE
DF	DATE
DG	DATE
DI	DATE
DJ	DATE
DK	DATE
DL	DATE
DM	DATE
DN	DATE
DO	DATE
DP	DATE
DQ	DATE
DR	DATE
DS	DATE
DT	DATE
DU	DATE
DV	DATE
DW	DATE
DX	DATE
DY	DATE
DZ	DATE

SITE DATA:	
PROJECT NO.	10100001
PROJECT NAME	PROJECT NAME
CLIENT	CLIENT
DATE	DATE
SCALE	SCALE
DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY
APPROVED BY	APPROVED BY
DATE	DATE
PROJECT NO.	10100001
PROJECT NAME	PROJECT NAME
CLIENT	CLIENT
DATE	DATE
SCALE	SCALE
DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY
APPROVED BY	APPROVED BY
DATE	DATE

NO.	DATE	DESCRIPTION

**GOLDIN FARM DEVELOPMENT
DEKALB, ILLINOIS
CONCEPT SITE PLAN**

975 S. 25th St., Suite 400
Waukegan, IL 60085
(815) 487-7889
www.rwge.com



PROJECT NO.	10100001
DATE	08-23-22
SCALE	1"=100'
DRAWN BY	JK
CHECKED BY	PK
APPROVED BY	JK
DATE	08-23-22