

APPROVING THE ZONING PETITION OF ROBERT WESSELS TO REZONE CERTAIN PROPERTY LOCATED AT 2023 SYCAMORE ROAD, DEKALB, ILLINOIS (PIN 08-13-101-007) TO THE “PD-C” PLANNED DEVELOPMENT COMMERCIAL DISTRICT AND TO APPROVE A CONCEPT PLAN TO ALLOW FOR THE CONTINUED USE OF A FARMER’S MARKET AND ACCESSORY 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, Robert J Wessels Trust 91 & Teri L Wessels Trust 92 (collectively, the “Owner” or “Applicant”) are the record owners 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 Owner negotiated an Annexation Agreement (the “Agreement”) to: (1) annex the Property into the City’s corporate limits; and (2) rezone the Property to Planned Development – Commercial District to permit a farmer’s market sale of agricultural products in an unmanufactured state, a specialty store, and accessory uses; and

WHEREAS, pursuant to the Agreement, Applicant petitioned the City to: (1) annex the Property; and (2) upon annexation of the Property into the City’s corporate limits, to: (A) rezone the Property from the “SFR1” Single-Family Residential District to the “PD-C” Planned Development – Commercial District; (B) permit the sale of agricultural products in an unmanufactured state, a specialty store, and accessory uses as permitted land uses for the zoning of the Property; (C) provide for phased development and compliance with the UDO’s streets, sidewalks, parking lot, utilities, and Building Code requirements as set forth in the development standards attached and incorporated as Exhibit B (the “Development Standards”); (D) approve the Concept Plan prepared by Jade Hanna Surveyors dated 10-9-23 attached and incorporated as Exhibit C (the “Concept Plan”); (E) provide exceptions from section 5.13.06 of the UDO’s minimum planned development site size requirement of two (2) acres; and (F) provide that any use or development of the Property shall conform to the “LC” Light Commercial District standards and the UDO’s requirements, except as may otherwise be provided by the Agreement and the Development Standards (collectively, the “Zoning Petition”); and

WHEREAS, on October 16, 2023, upon due notice, the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Zoning Petition, made findings of fact, and recommended approving the Zoning Petition; and

WHEREAS, on October 23, 2023, upon due notice, the City’s corporate authorities held a public hearing on the Agreement; and

WHEREAS, on October 23, 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 herein 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 Commercial uses. The proposed zoning is consistent and compatible with the zoning along Sycamore Road. The majority of the building on the site has been vacant or under used for many years. The rezoning of the Property to the "PD-C" Planned Development – Commercial 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 Property to "PD-C" provides the opportunity to more directly shape the redevelopment, use and appearance of the Property in accordance with the City's UDO. The Planned Development allows the Owner and the City the flexibility to agree to the appropriate development standards. The proposed rezoning request is in compliance with the UDO, except for the waivers noted in the development standards. 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 as it entitles the Property to a use that has occurred for years on the Property and is complementary with the surrounding area. There are various commercial uses along Sycamore Road, and the building has contained commercial uses since the late 1950's. There have been recent improvements to the building to enhance the appearance, and standards are recommended to improve the inside of the structure and parking lot. The current business is not an overly intense commercial use with a small parking demand and quick turnover of customers.

- 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-C", Planned Development Commercial District. Rezoning the Property to "PD-C" will allow the Owner the flexibility to use the Property that will be compatible with the surrounding area and allow the business to continue in a safe manner.

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

Adequate public services are adjacent to the Property. In case of the need for a connection, a 10" water main is located along Greenwood Acres Dr. and an 8" sanitary sewer is the north of the bank across the road. The site is already annexed to the Kishwaukee Water Reclamation District and paying taxes to the District. One of the recommended development standards is to establish a more defined and safe parking area within one year of the approval of the Ordinance rezoning the property.

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: Subject to the provisions of the Agreement and contingent upon Owner'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-C" Planned Development –Commercial District; (C) the Development Standards attached and incorporated as Exhibit B; (D) the phased development and exceptions from the UDO's requirements as set forth and provided by the Development Standards; (E) the Concept Plan prepared by Jade Hanna Surveyors dated 10-9-23 attached and incorporated as Exhibit C; (F) the sale of agricultural products in an unmanufactured state, a specialty store, and accessory uses as permitted land uses for the zoning of the Property; (G) exceptions from section 5.13.06 of the UDO's minimum planned development site size requirement of two (2) acres; and (H) that any use or development of the Property shall conform to the "LC" Light Commercial District standards and the UDO's requirements, except as may otherwise be provided by the Agreement and the Development Standards.

SECTION 3: The City's corporate authorities authorize and direct the City Manager or his designee to amend the City's "Official Zoning Map" to depict the Property as located within the "PD-C" Planned Development – Commercial 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: Pursuant to 65 ILCS 5/1-2-4, the City's corporate authorities, by a vote of two-thirds of all the members then holding office, find that it is urgent for this Ordinance to take effect immediately upon its passage and approval.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 23rd day of October 2023 and approved by me as Mayor on the same day. First Reading passed by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker. 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:

A PART OF ASSESSOR'S LOT 5 ON THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID LOT 5 AND THE CENTER OF A PUBLIC HIGHWAY, THE SAME BEING ILLINOIS ROUTE 23; THENCE NORTH 46'16' WEST, A DISTANCE OF 322.1 FEET ALONG THE SAID SOUTHWESTERLY LINE OF SAID LOT 5 TO A POINT; THENCE NORTH 43'49' EAST, A DISTANCE OF 135.0 FEET TO A POINT ON THE WESTERLY LINE OF WOODLAWN DRIVE; THENCE SOUTH 1'47' EAST, 84.25 FEET ALONG THE SAID WESTERLY LINE OF WOODLAW DRIVE TO A POINT; THENCE SOUTH 46'09' EAST, ALONG THE SAID WESTERLY LINE OF WOODLAWN DRIVE AND ALONG THE SOUTHWESTERLY EXTENSION OF SAID WESTERLY LINE OF WOODLAWN DRIVE, A DISTANCE OF 262.85 FEET TO A POINT ON THE CENTER LINE OF SAID PUBLIC HIGHWAY; THENCE SOUTHWESTERLY, ALONG THE CENTER LINE OF SAID PUBLIC HIGHWAY, 75.4 FEET TO THE PLACE OF BEGINNING.

Common Address: 2023 SYCAMORE ROAD, DEKALB, ILLINOIS

PIN: 08-13-101-007

**EXHIBIT B
(Development Standards)**

Permitted Uses:

Sale of farm products, which shall be limited to agricultural commodities in an unmanufactured state including, but not limited to, fruits, vegetables, plants, Christmas trees, and other accessory products; provided, however, that the following uses shall be expressly prohibited: (1) the sale of farm animals, farm equipment, livestock, and other similar farm products; (2) the sale of farm products in a manufactured state; (3) food preparation; and (4) all other uses not permitted by the Agreement.

Development Standards, Restrictions, and Exceptions:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, parking, landscaping, permits, and other similar restrictions to the Property shall comply with the standards provided by the "LC" Light Commercial District of the UDO, except as provided below:

Article 5.13.06 – Minimum Planned Development Site Size – City shall waive the UDO's requirement for a two (2) acre minimum planned development site.

Article 5.13.10 – Procedures for Planned Development Approval – Owner shall comply with the UDO's requirements and procedures for a Preliminary and Final Development Plan upon Owner's Expansion; provided, however, that Owner's compliance with the UDO's requirements and procedures for a Preliminary and Final Development Plan shall be a necessary condition precedent to Owner's Expansion.

Article 7.05 – Screening Requirements – The location and screening of the porta-potty shall be approved by the City staff with Owner prior to occupancy of the building. Owner shall place a six (6) foot high privacy fence along the northwest property line adjacent to 105 Greenwood Acres Dr. within one (1) year of the Effective Date.

Article 10.02 – Sanitary Sewers – and Article 10.03 – Water Supply – Owner shall comply with the UDO's requirements for providing sanitary sewers and water supply to the Property upon Owner's Expansion and the approval of a Final Development Plan.

Article 12 – Parking Lot Redevelopment – The parking area shall comply with the UDO's requirements within one (1) year of the Effective Date. No parking shall be allowed within 65 feet of the right of way of Sycamore Road, except for one (1) handicap space. A total of eight (8) standard parking spaces shall be provided, including one (1) handicap space, per the UDO's paving and striping requirements. Parking shall be allowed to back onto Greenwood Acres Dr. upon the written approval of the City Engineer.

Articles 14.01 (Building Permit) and 14.02 (Certificate of Use and Occupancy) – For the Sales Area, Owner shall be allowed to immediately occupy the approximately 80 square foot area of the single-story metal commercial building on the Property that is located in

the front transaction area via the eight (8) foot garage door and is further depicted on the Concept Plan for the purpose of conducting permitted commercial transactions only.

For the Indoor Display Area, before the City's Chief Building Official permits the temporary occupancy of the approximately 2,700 square foot area of the single-story metal commercial building on the Property that is described in the Concept Plan, Owner shall comply with the following requirements of the City's Building Code to the reasonable satisfaction of the City's Chief Building Official:

- Heating system; provided, however, that Owner may comply with the City's heating system requirements by providing a conventional furnace system or a hanging electric/gas unit that is properly piped, protected, and installed;
- Structural design of walls and ceiling shall be provided as a sketch drawing of the existing conditions to the City's Chief Building Official which identifies the stud/joist/truss sizes and shows compliance with the Mercantile Group M use provisions of the 2015 International Building Code;
- Construction of walls and ceiling in compliance with the City's Building Code including, but not limited to, insulation and drywall. The common wall to the unoccupied/unheated space shall be insulated and drywalled on both sides. No additional wood "interior finishes" should be installed;
- Electric run in the occupied space shall comply with NEC 2014 (with an exterior disconnect installed upon Owner's Expansion);
- Electric wires, boxes, panels, and etcetera throughout entire structure that are not currently in use as of the Effective Date shall be removed back to source in compliance with the City's Building Code; and
- Gas piping that is not currently in use as of the Effective Date shall be properly capped or removed back to source in compliance with the City's Building Code.

Except as may be required to maintain occupancy of the Sales Area and the Indoor Display Area, Owner shall not be required to comply with the City's Building Code; provided, however, that Owner shall comply with the City's then-existing Building Code for the entire single-story metal commercial building on the Property if one (1) or more of the following events occur: (1) Owner's Expansion; (2) the abandonment of the building for more than six (6) months; (3) any damage to the building to an extent of more than 50% of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use), at the time of damage, as determined by the City's Chief Building Official.

PLAT AND CERTIFICATE OF SURVEY

A PART OF ASSESSOR'S LOT 5 ON THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID LOT 5 AND THE CENTER OF A PUBLIC HIGHWAY, THE SAME BEING ILLINOIS ROUTE 23; THENCE NORTH 46°16' WEST, A DISTANCE OF 322.1 FEET ALONG THE SAID SOUTHWESTERLY LINE OF SAID LOT 5 TO A POINT; THENCE NORTH 43°49' EAST, A DISTANCE OF 135.0 FEET TO A POINT ON THE WESTERLY LINE OF WOODLAWN DRIVE; THENCE SOUTH 1°47' EAST, 84.25 FEET ALONG THE SAID WESTERLY LINE OF WOODLAWN DRIVE TO A POINT; THENCE SOUTH 46°09' EAST, ALONG THE SAID WESTERLY LINE OF WOODLAWN DRIVE AND ALONG THE SOUTHWESTERLY EXTENSION OF SAID WESTERLY LINE OF WOODLAWN DRIVE, A DISTANCE OF 262.85 FEET TO A POINT ON THE CENTER LINE OF SAID PUBLIC HIGHWAY; THENCE SOUTHWESTERLY, ALONG THE CENTER LINE OF SAID PUBLIC HIGHWAY, 75.4 FEET TO THE PLACE OF BEGINNING.

CONTAINS 26,149 SQ. FT.

PROPERTY ADDRESS: 2023 SYCAMORE ROAD, DEKALB, ILLINOIS

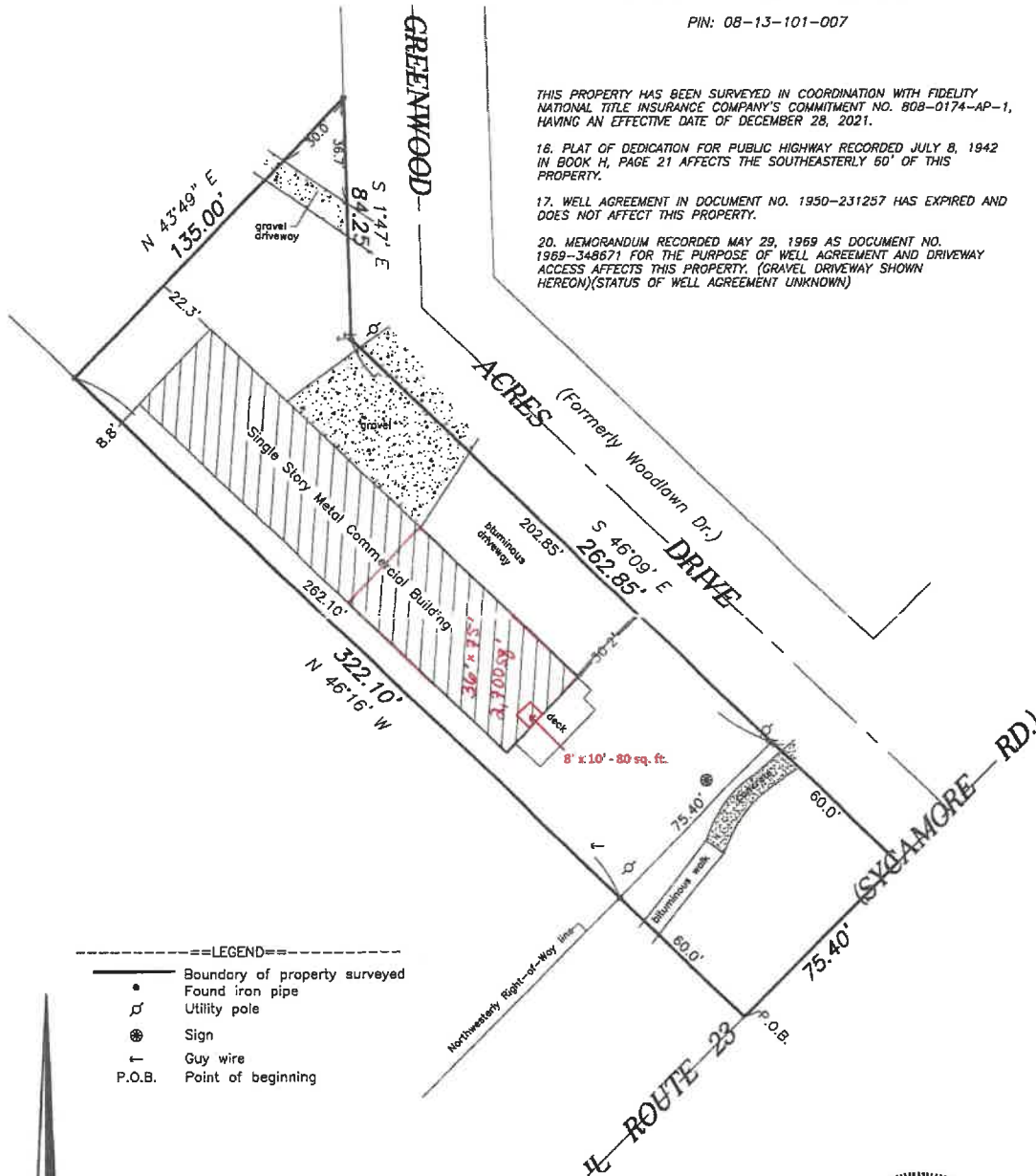
PIN: 08-13-101-007

THIS PROPERTY HAS BEEN SURVEYED IN COORDINATION WITH FIDELITY NATIONAL TITLE INSURANCE COMPANY'S COMMITMENT NO. 808-0174-AP-1, HAVING AN EFFECTIVE DATE OF DECEMBER 28, 2021.

18. PLAT OF DEDICATION FOR PUBLIC HIGHWAY RECORDED JULY 8, 1942 IN BOOK H, PAGE 21 AFFECTS THE SOUTHEASTERLY 60' OF THIS PROPERTY.

17. WELL AGREEMENT IN DOCUMENT NO. 1950-231257 HAS EXPIRED AND DOES NOT AFFECT THIS PROPERTY.

20. MEMORANDUM RECORDED MAY 29, 1969 AS DOCUMENT NO. 1969-348671 FOR THE PURPOSE OF WELL AGREEMENT AND DRIVEWAY ACCESS AFFECTS THIS PROPERTY. (GRAVEL DRIVEWAY SHOWN HEREON)(STATUS OF WELL AGREEMENT UNKNOWN)



- ====LEGEND====
- Boundary of property surveyed
 - Found iron pipe
 - ⊕ Utility pole
 - ⊙ Sign
 - Guy wire
 - P.O.B. Point of beginning

SCALE 1"=40'

STATE OF ILLINOIS)
 COUNTY OF DEKALB)SS

THIS IS TO CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY I HAVE MADE OF PROPERTY HEREON SHOWN AND DESCRIBED. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

FIELD WORK COMPLETED JANUARY 27TH, 2022, WITNESS MY HAND AND SEAL AT DEKALB, ILLINOIS THIS 1ST DAY OF FEBRUARY, 2022.

Leslie Aaron Doores
 LESLIE AARON DOORES

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2022



FOR: RON BREESE JR.
 JOB NO. 16263

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