

APPROVING THE ZONING PETITION OF MAERCKER PROPERTIES LLC TO REZONE CERTAIN PROPERTY LOCATED AT 11921 ILLINOIS ROUTE 38, DEKALB, ILLINOIS, TO THE “PD-I” PLANNED DEVELOPMENT INDUSTRIAL DISTRICT TO ALLOW LIGHT INDUSTRIAL USES, INCLUDING A PLUMBING COMPANY, IN A PROPOSED SIX LOT SUBDIVISION (P.I.N. 08-25-200-003).

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, Maercker Properties, LLC (the “Applicant”) is the owner of property located at 11921 Rt. 38 and 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 Agreement (the “Agreement”) to allow for the development of a plumbing business and other light industrial uses in a 6-lot subdivision on the Property (the “Development”); and

WHEREAS, pursuant to the Agreement, the Applicant petitioned the City to: (1) rezone the Property from the “BC” Business Conservation District (Unincorporated DeKalb County) to the “PD-I” Planned Development – Industrial District under the City’s Unified Development Ordinance (the “UDO”); (2) permit a plumbing business and other permitted uses as listed in the “LI” Light Industrial District as permitted uses for the Property; (3) permits the special uses in the “LI” Light Industrial District as special uses for the Property; (4) approve the Preliminary Plan prepared by R.K. Johnson & Associates dated 8-15-23 attached and incorporated as Exhibit B (the “Preliminary Plan”); (5) provide for phased development and compliance with the UDO’s requirements for streets, sidewalks, utilities, and Preliminary and Final Development Plans as set forth in the development standards attached and incorporated as Exhibit C (the “Development Standards”); and (6) provide that any use or development of the Property shall conform to the “LI” Light Industrial District standards and the UDO’s requirements, except as may otherwise be provided by the Agreement (collectively, the “Zoning Petition”); and

WHEREAS, on January 16, 2024, upon due notice as provided by law, 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 January 22, 2024, upon due notice as provided by law, the City’s corporate authorities held a public hearing on the Agreement and duly adopted the Agreement before considering 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 may be provided by this Ordinance and the Agreement, 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 subject site for Industrial uses. The proposed zoning is consistent and compatible with the zoning in the eastern and southeastern portions of the City. The rezoning of the subject site 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 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. 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 subject property to a use that is compatible with the surrounding land uses and the 2022 Comprehensive Plan. The proposed use of industrial is in compliance with the Plan and the surrounding land uses. As properties are annexed and developed to the west, the subject site will be able to be annexed into the City.

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 subject property is in unincorporated DeKalb County and will be rezoned to the “PD-I”, Planned Development Industrial District. Rezoning the property to “PD-I” will allow the owner the flexibility to use the property that will be compatible with the surrounding area and eventually annex into the City.

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

The annexation agreement proposed for the subject property will require connection to the public water and sanitary sewer after the site is annexed and when the improvements are nearby. There is an existing well and septic system on the site that will serve the new C&H Plumbing building and additional buildings as long as all the requirements in the agreement are met.

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 and the submission and approval of a Final Plat by the PZC and City Council pursuant to the UDO's procedures, the City's corporate authorities adopt and approve the following: (1) the Zoning Petition; (2) the rezoning of the Property from the “BC” Business Conservation District (Unincorporated DeKalb County) to the “PD-I” Planned Development – Industrial District including, but not limited to, amending the City's “Official Zoning Map” to depict the Property as located within the “PD-I” Planned Development – Industrial District; (3) the Preliminary Plan; (4) the Development Standards; (5) a plumbing business and the

permitted uses in the "LI" Light Industrial District as permitted uses for the Property; and (6) the special uses in the "LI" Light Industrial District as special uses for the Property. Except as may otherwise be provided by this ordinance and the Agreement, any use or development of the Property shall conform to the "LI" Light Industrial District standards and the UDO's requirements.

SECTION 3: 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 4: 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 22nd day of January 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Verbic, Walker, Barnes. Nay: None. Absent: McAdams. Second Reading waived by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Verbic, Walker, Barnes. Nay: None. Absent: McAdams.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE RIGHT OF WAY OF U.S. ALTERNATE ROUTE 30 AND (EXCEPTING THEREFROM THE EASTERLY 25 FEET THEREOF AS PER THE PLAT RECORDED IN PLAT BOOK "G", PAGE 178 AS DOCUMENT NO. 245059 AND FURTHER EXCEPTING PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AS FOLLOWS, TO-WIT: BEGINNING AT THE 1/8 SECTION CORNER ON THE NORTH SIDE OF SAID QUARTER SECTION, AND RUN THENCE SOUTH ON THE 1/8 SECTION LINE 2 CHAINS 46 LINKS TO A STONE; THENCE SOUTH 58-1/2 DEGREES EAST IN ROAD 6 CHAINS AND 91 LINKS TO A STAKE; THENCE NORTH 7 DEGREES EAST 6 CHAINS 12 LINKS TO SAID SECTION LINE, THENCE WEST ON SAID LINE 6 CHAINS AND 68 LINKS TO THE PLACE OF BEGINNING, VARIATION OF COMPASS 7 DEGREES EAST; AND ALSO EXCEPTING THEREFROM PROPERTY DEEDED TO THE STATE OF ILLINOIS BY WARRANTY DEED DATED FEBRUARY 29TH, 1960 AND RECORDED IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS ON JUNE 14TH, 1960 IN BOOK 337, PAGE 431, AS DOCUMENT NO. 301042), ALL SITUATED IN DEKALB COUNTY, ILLINOIS.

Common Address: 11921 State Route 38, DeKalb, IL 60115

PIN: 0825200003

EXHIBIT B

WEST DETENTION AREA WET BOTTOM POND

TOTAL BASIN AREA: 6.85 ACRES
 RIGHT-OF-WAY: 6.60 ACRES
 LIGHT INDUSTRIAL SITE: 6.25 ACRES
 DISCHARGE AT GRADE: EX. LOW POINT ALONG NORTH P.L.: 901.90
 PROPOSED POND DISCHARGE ELEVATION: 902.30
 PROPOSED NORMAL WATER LEVEL: 898.00 assume 2.3' below Discharge Point
 OVERFLOW SPILLWAY ELEVATION (HIGH WATER LEVEL): 899.75

 TOTAL DETENTION REQUIRED: 1.90 ACRE-Feet
 TOTAL DETENTION PROVIDED: 2.13 ACRE FEET

EAST DETENTION AREA WET BOTTOM POND

TOTAL BASIN AREA: 5.25 ACRES
 RIGHT-OF-WAY: 0.50 ACRES
 LIGHT INDUSTRIAL SITE: 4.75
 DISCHARGE TO EXISTING FIELD TILE: EX. INVERT ELEVATION 899.40
 PROPOSED POND DISCHARGE ELEVATION: 900.00
 PROPOSED NORMAL WATER LEVEL: 898.00 assume 2' below Discharge Point
 OVERFLOW SPILLWAY ELEVATION (HIGH WATER LEVEL): 892.75

 TOTAL DETENTION REQUIRED: 1.46 ACRE-Feet
 TOTAL DETENTION PROVIDED: 1.69 ACRE FEET

Phases: Major Development
 - Light Industrial Subdivision
 - Residential Development Subdiv
 DIS. 25.

GRAPHIC SCALE



PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
 CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
 1515 WINDSOR ROAD LOVER PARK, ILLINOIS 61111
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 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 160-000000
 AUGUST 14, 2007 JOHN RY 10111
 PREPARED FOR: MARIUSZKA PROPERTIES, LLC

**EXHIBIT C
(Development Standards)**

Permitted Uses:

A plumbing business and the permitted uses listed in the “LI” Light Industrial District.

Special Uses:

The special uses listed in the “LI” Light Industrial District.

Development Standards, Restrictions, and Exceptions:

Setbacks, building lines, site coverage, building dimension limitations, height restrictions, parking, landscaping, lighting and other similar restrictions for any improvements to the Property shall comply with the standards for the “LI” Light Industrial District of the UDO.

Article 10.02 (Sanitary Sewers): The Property’s owner shall comply with the UDO’s requirements for providing sanitary sewer service to the Property upon the Property’s annexation into the City’s corporate limits; provided that the Kishwaukee Water Reclamation District’s sewer system facilities are located within 200 feet of the Property. Otherwise, the Property’s owner shall reasonably maintain the use and occupancy of the Property’s existing septic sanitation facilities, but shall otherwise be excepted from complying with the UDO’s requirements for providing sanitary sewer service to the Property.

Article 10.03 (Water Supply): The Property’s owner shall comply with the UDO’s requirements for providing water service to the Property upon the Property’s annexation into the City’s corporate limits; the extension of the City’s water system facilities to within 200 feet of the Property, and the written determination of the City’s Public Works Director that the Property’s existing well water service is inadequate to accommodate the reasonable needs of the Property or otherwise comply with applicable health regulations. Otherwise, the Property’s owner shall reasonably maintain the use and occupancy of the Property’s existing well water service, but shall otherwise be excepted from complying with the UDO’s requirements for providing water service to the Property.

Final Plat Review:

A Final Plat shall be submitted for review and approval by the Planning and Zoning Commission and City Council prior to any construction of a building on the Property.



DeKalb County

Soil and Water Conservation District

1350 West Prairie Drive • Sycamore, Illinois 60178 • (815) 756-3234 x 9493

December 16, 2024

Dan Olson
Community Development Department
164 East Lincoln Highway
DeKalb, IL 60115

Dear Mr. Dan Olson,

The DeKalb County Soil and Water Conservation District has been asked to review any Natural Resource Information concerns for parcel 08-25-200-003. The parcel is located in Section 25, in Township 40N – Range 4E in DeKalb County, Illinois. The parcel is approximately 14 acres in size and is currently zoned BC (DeKalb County) with the intent to have the parcel rezoned to PD-I under a pre-annexation agreement with the City of DeKalb and Maercker Properties, LLC.

The petitioner has provided a proposed site plan for the development of the site. This includes the subdivision of the parcel into five units, two proposed detention basins, two new building sites, and a central cul de sac road. The main building site is intended for the petitioner's plumbing business.

An office review was conducted which included soils information, wetlands, floodplain, watershed, and topography data. Approximately 50% of the soil on this parcel is Drummer silty clay loam (152A). This soil is a hydric soil and considered to be poorly drained. This soil has a very slow infiltration rate (high runoff potential) when thoroughly wet, chiefly clay in texture with a high shrink-swell potential, and has a high water table on average. This soil also has a ponding designation of "Frequent." This means that ponding occurs, on average, more than once in 2 years. The chance of ponding is more than 50 percent in any year. A review of historic aerial photography identifies areas of ponding in the subject property.

A review of National Wetland Inventory and NRCS wetland maps do not indicate any wetland areas on the subject property. In addition, FEMA maps do not indicate any flood plain or floodway zones. The parcel in question is located in the subwatershed of Union Ditch Number 2, which is within the greater East Branch Kishwaukee River watershed. This watershed area has undergone watershed planning that has been adopted by the county and City of DeKalb. The East Branch South Branch Watershed Improvement Plan can be found at dekalbcountywatersheds-il.org. The District highly recommends that future planning and development of the site follow

guidelines set forth in Chapter 4 (*Watershed Best Management Practice (BMP) and Solutions Toolbox*) of the Watershed Improvement Plan. Moreover, there were no other obvious natural resource concerns indicated during this review.

If development or ground disturbing actions occur there should be a concerted effort by the developer to ensure soil sediment does not leave the site through proper best management practices (BMP's). New construction will require protection from soil erosion and sedimentation. Stabilization of the site should occur as soon as practical after construction is completed. If the area has land disturbance of one acre or more the developer will need to comply with the IEPA ILR-10 permit which includes a Storm Water Pollution Prevention Plan.

Based on our review and the consideration of the aforementioned comments the DeKalb County Soil and Water Conservation District has no objections to the proposed zoning change.

Sincerely,

Jeff Woodyatt
Resource Conservationist
DeKalb County Soil and Water Conservation District

cc: Maercker Properties, LLC. – Petitioners
Kevin Buick, Foster Buick Conklin Lundgren & Gottschalk, LLC - A