

APPROVING THE REZONING OF PROPERTY LOCATED AT 1104-1124 S. FOURTH STREET, DEKALB, ILLINOIS, FROM THE "GC" GENERAL COMMERCIAL DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT (A.H. AUTO REPAIR).

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, A.H. Auto Repair (the "Petitioner") is the owner of the property commonly known as 1104-1124 S. 4th Street, DeKalb, Illinois 60115 and legally described in the attached and incorporated Exhibit A (the "Property"); and

WHEREAS, Petitioner seeks the rezoning of the Property from the "GC" General Commercial District to the "PD-C" Planned Development Commercial District with exceptions to allow for a planned development site size that is less than 2-acres and 2 dwelling units that are not above the ground floor (the "Petition"); and

WHEREAS, on June 17, 2024, 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 recommended granting the Petition; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and further find that: (1) approving the Petition is in the City's best interests for the protection of the public health, safety and welfare; and (2) the Petition conforms with the applicable standards in the City's Unified Development Ordinance (the "UDO"), except for the minimum site size for a planned development and the 2 dwelling units that are not above ground, as follows:

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 Commercial uses. The building and the two homes on the site have been in existence for decades. The proposed "PD-C" classification is appropriate for the site, accommodates the mix of land uses, and is consistent with the zoning and land uses in the surrounding area.

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

The rezoning of the subject property to the "PD-C" Planned Development Commercial District will make it consistent and compatible with the zoning in the surrounding neighborhood. The existing ATM on the west side of the subject property was approved via a special use permit in 1999. Exceptions to the UDO are recommended for a Planned Development under two (2) acres and the allowance of two dwelling units in a commercial zoning district that are not above the ground floor. The Petition 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. The requested zoning of "PD-C" Planned Development Commercial District will be compatible with the zoning along the S. 4th St. corridor. The surrounding area consists of a mix of residential and commercial uses. The subject site previously contained automotive related uses and an electrical contractor, which did not have a negative effect on adjacent properties.

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 currently zoned "GC" General Commercial District. Rezoning the property to "PD-C" Planned Development Commercial District will allow it to be compatible with the zoning in the surrounding area and make the two non-conforming homes legal.

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

Adequate public services and utilities are already provided to the subject property. There is a parking lot along the west side of the site which will accommodate the necessary parking for the proposed uses. Conditions are recommended that will require the re-striping of the parking lot, the addition of a handicap parking space and the paving of the driveways off Tyler St. per the UDO requirements.

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: The City's corporate authorities grant the Petition, approve the Development Standards for the Property attached and incorporated as Exhibit B (the "Development Standards"), and amend the City's "Official Zoning Map" to rezone the Property as located within the "PD-C" – Planned Development Commercial District", subject to the following conditions:

1. Petitioner shall re-strip the parking lot and drive-through lane for the ATM and add a handicap space in accordance with the UDO's requirements within 90 days of the passage of this ordinance.
2. Petitioner shall pave the driveways from Tyler St. leading to the three (3) service bays on the east side of the building at 1106 S. 4th St. in accordance with the UDO's requirements and the written approval of the City Engineer within 90 days of the passage of this ordinance.
3. Petitioner shall pave the remaining driveways from Tyler St. to the building at 1106 S. 4th St. in accordance with the UDO's requirements and the written approval of the City Engineer within 1 year of the passage of this ordinance.
4. Petitioner and Petitioner's successors and assigns shall comply with the UDO, the City's Municipal Code, ordinances, resolutions, and applicable laws and regulations regulating the development, maintenance, and ownership of the Property.

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 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 24th day of June 2024 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, Powell, Verbic, Walker, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A

The Property is legally described as follows:

LOTS 1, 2, 3 AND 4 IN BLOCK 7 IN MARTIN BROS, AND GAIT'S SUBDIVISION OF A PART OF SECTION TWENTY-SIX (26), TOWNSHIP FORTY (40) NORTH, RANGE FOUR (4) EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE CITY OF DEKALB, COUNTY OF DEKALB AND STATE OF ILLINOIS.

Parcel ID Number: 08-26-154-001, 08-26-154-002, 08-26-154-003, 08-26-154-004

Address: 1104, 1106, 1110, 1114, and 1124 S. 4th Street, DeKalb, Illinois 60115.

EXHIBIT B

Planned Development Standards

Permitted and Special Uses:

Vehicle repair and service facility; hair salon, two (2) single-family detached homes. Other permitted and special uses as listed in the "GC" General Commercial District.

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 exceptions listed below.

1. Planned Development under two (2) acres.
2. The allowance of two dwelling units that are not above the ground floor.