

**APPROVING AMENDMENTS TO ORDINANCE 2023-038 FOR THE GOLDIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF PEACE ROAD AND E. GURLER ROAD TO ACCOMMODATE A DATA CENTER (KARIS ACQUISITIONS, 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**, Steven Goldin, as Trustee of DeKalb 2 Property Trust, DeKalb 3 Property Trust, DeKalb 4 Property Trust, and DeKalb 32 Property Trust (the “Owner”) is the owner of approximately 130 acres of property that is legally described in the attached and incorporated Exhibit A (the “Property”); and

**WHEREAS**, Karis Acquisitions, LLC (the “Applicant”) is the contingent-contract purchaser of the Property; and

**WHEREAS**, on September 11, 2023, the City’s corporate authorities duly adopted Ordinance 2023-038 (the “2023 Ordinance”), which rezoned the Property to permit manufacturing, packaging, distribution and warehouse uses, adopted Planned Development Standards, and approved a Concept Plan; and

**WHEREAS**, pursuant to 65 ILCS 5/11-15.1-1, *et seq.*, the City, the Owner, and the Applicant negotiated a First Amendment to the Annexation and Development Agreement (the “Amended Agreement”) to permit the development of a data center on the Property consistent with the Amended Agreement, this Ordinance, the Amended Planned Development Standards attached and incorporated as Exhibit B (the “Amended Planned Development Standards”), and the Data Center Concept Plan dated July 12, 2024 attached and incorporated as Exhibit C (the “Data Center Concept Plan”); and

**WHEREAS**, pursuant to the Amended Agreement, Applicant petitioned the City to amend the 2023 Ordinance by: (1) adding “Data Center” as a permitted use for the Property; (2) increasing the maximum square building footage from 1,645,000 sq. ft. to 2,000,000 sq. ft.; and (3) adopting the Data Center Concept Plan (collectively, the “Amendments”); and

**WHEREAS**, on July 15, 2024, pursuant to due notice, the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Amendments, made findings of fact, and recommended approving the Amendments; and

**WHEREAS**, the City’s corporate authorities adopt and incorporate the PZC’s findings of fact and recommendation by reference; and

**WHEREAS**, on July 22, 2024, pursuant to due notice, the City’s corporate authorities held a public hearing on the Amended Agreement; and

**WHEREAS**, on July 22, 2024, the City’s corporate authorities adopted an ordinance approving the Amended Agreement prior to their consideration of this Ordinance; and

**WHEREAS**, the City’s corporate authorities find that approving the Amendments is in the City’s best interests for the protection of the public health, safety, and welfare; and

**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 adopt and approve the Amendments as follows:

- A. Section 2 of the 2023 Ordinance is amended to state in its entirety as follows (amendments shown in track changes):

Subject to the provisions of the Amended Agreement and contingent upon the Applicant's compliance with the Amended 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 Amended Planned Development Standards attached and incorporated as Exhibit B (the "Amended Planned Development Standards"); (D) data center, manufacturing, packaging, distribution, and/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~~ Data Center Concept Plan prepared by Jacob & Hefner Associates dated 7-12-24 attached and incorporated as Exhibit C (the "Data Center Concept Plan"); (F) a maximum building square footage of ~~1,645,000~~ 2,000,000 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 Amended 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.

- B. The Planned Development Standards attached and incorporated as Exhibit B to the 2023 Ordinance are amended and replaced in their entirety by the Amended Planned Development Standards attached and incorporated as Exhibit B to this Ordinance.
- C. The Concept Plan attached and incorporated as Exhibit C to the 2023 Ordinance is amended and replaced in its entirety by the Data Center Concept Plan attached and incorporated as Exhibit C to this Ordinance.

**SECTION 3:** Except as may otherwise be provided by this Ordinance and the Amended Agreement, the provisions of the 2023 Ordinance shall remain in full force and effect. To the extent that there is any conflict between this Ordinance and the 2023 Ordinance, this Ordinance shall govern and control.

**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 22<sup>nd</sup> day of July 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  
(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  
(AMENDED PLANNED DEVELOPMENT STANDARDS)**

Permitted Uses:

Data Center, Manufacturing, Packaging, Distribution, Warehouse, and accessory uses not exceeding 2,000,000 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

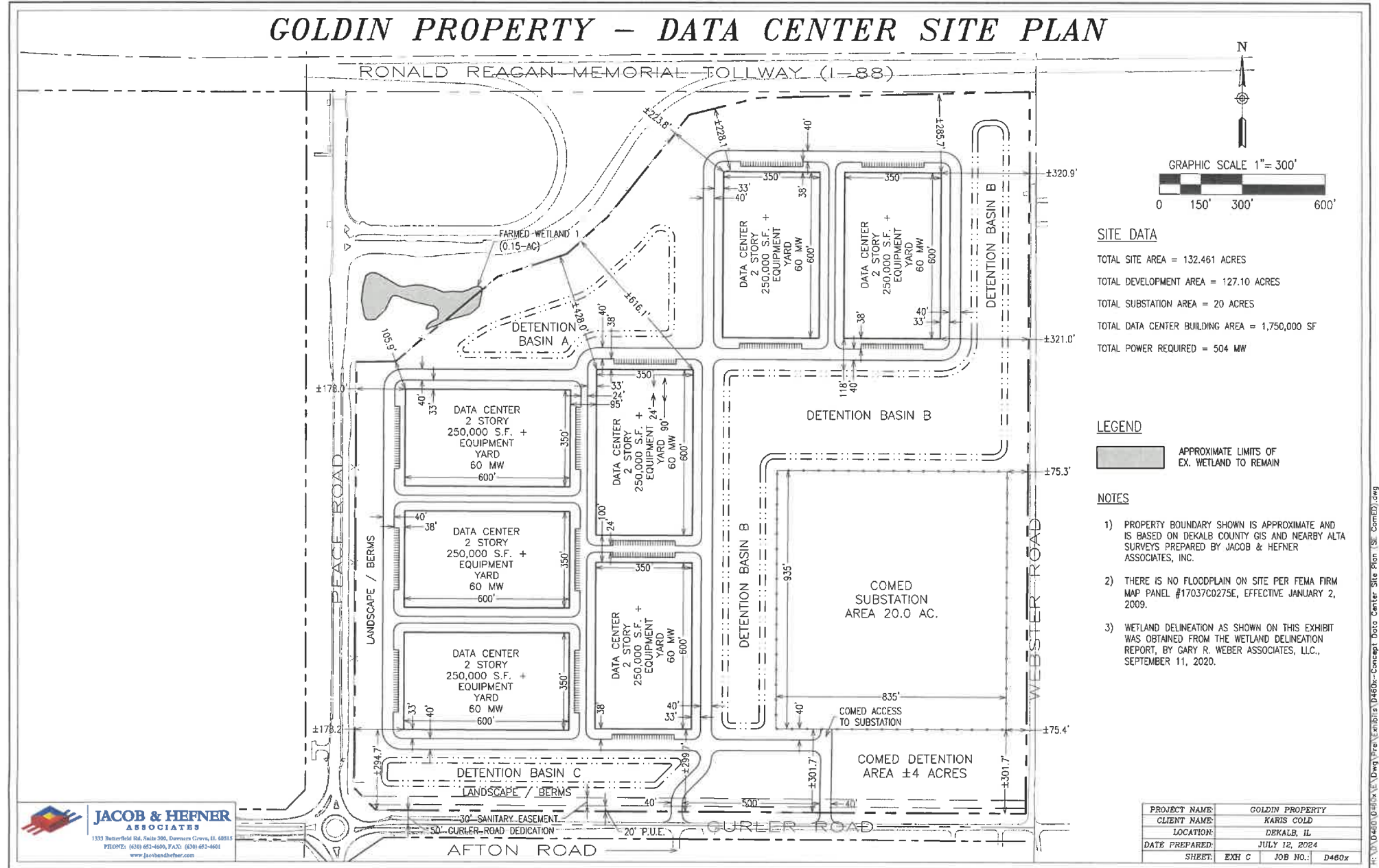
A Preliminary Development Plan shall be submitted and reviewed by the City's Planning & Zoning Commission and City Council pursuant to the procedures in the Unified Development Ordinance, except as may be allowed to permit phased development.

A Final Development Plan shall be submitted and reviewed by the City Council pursuant to the procedures in the Unified Development Ordinance, except as may be allowed to permit phased development.

**EXHIBIT C**  
**(Data Center Concept Plan)**

# EXHIBIT C


## GOLDIN PROPERTY – DATA CENTER SITE PLAN



### SITE DATA

TOTAL SITE AREA = 132.461 ACRES  
 TOTAL DEVELOPMENT AREA = 127.10 ACRES  
 TOTAL SUBSTATION AREA = 20 ACRES  
 TOTAL DATA CENTER BUILDING AREA = 1,750,000 SF  
 TOTAL POWER REQUIRED = 504 MW

### LEGEND

 APPROXIMATE LIMITS OF EX. WETLAND TO REMAIN

### NOTES

- 1) PROPERTY BOUNDARY SHOWN IS APPROXIMATE AND IS BASED ON DEKALB COUNTY GIS AND NEARBY ALTA SURVEYS PREPARED BY JACOB & HEFNER ASSOCIATES, INC.
- 2) THERE IS NO FLOODPLAIN ON SITE PER FEMA FIRM MAP PANEL #17037C0275E, EFFECTIVE JANUARY 2, 2009.
- 3) WETLAND DELINEATION AS SHOWN ON THIS EXHIBIT WAS OBTAINED FROM THE WETLAND DELINEATION REPORT, BY GARY R. WEBER ASSOCIATES, LLC., SEPTEMBER 11, 2020.

PROJECT NAME:	GOLDIN PROPERTY
CLIENT NAME:	KARIS COLD
LOCATION:	DEKALB, IL
DATE PREPARED:	JULY 12, 2024
SHEET:	EXH C JOB NO.: D460z



**JACOB & HEFNER ASSOCIATES**  
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