

APPROVING THE ZONING PETITION OF MOHR ACQUISITIONS LLC TO REZONE CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF PEACE ROAD AND FAIRVIEW DRIVE, DEKALB, ILLINOIS TO THE "PD-I" PLANNED DEVELOPMENT INDUSTRIAL DISTRICT AND APPROVING A CONCEPT PLAN FOR THE DEVELOPMENT OF AN APPROXIMATELY 1,322,800 SQUARE FOOT BUILDING TO ACCOMMODATE LOGISTICS, MANUFACTURING, PACKAGING, DISTRIBUTION AND WAREHOUSE USES (PROJECT MIDWEST).

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, Mohr Acquisitions, LLC, a Texas limited liability company (the "Applicant") is the contingent-contract purchaser of property that is owned by 3M Company, formerly known as Minnesota Mining & Manufacturing Company, a Delaware company (the "Owner"), and which 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, the Applicant, and the Owner negotiated an Annexation and Development Agreement (the "Agreement") to: (1) annex the Property into the City's corporate limits; and (2) rezone the Property to Planned Development – Industrial District to permit an approximately 1,350,000 square foot building for use as a logistics, distribution, and warehouse facility; and

WHEREAS, pursuant to the Agreement, the 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 logistics, manufacturing, packaging, distribution, and warehouse uses as permitted land uses for the zoning of the Property, as well as all other uses permitted in the "PD-I" zoning district; (3) approve the Concept Plan prepared by Willett Hofmann & Associates dated 9-13-24 that is attached and incorporated as Exhibit B (the "Concept Plan"); (4) allow a maximum building square footage of 1,350,000 square feet with an option for a building addition of no more than 228,480 square feet; provided, however, that the option for a building addition of no more than 228,480 square feet shall be subject to approval by City Staff for compliance with the City's Municipal Code and evaluation of traffic and stormwater impacts; (5) establish the following setbacks: (a) parking – 100 feet from Peace Road and 50 feet from Fairview Drive; (b) building – 175 feet from Peace Road and 150 feet from Fairview Drive; (6) adopt all other standards and regulations per the PD-I and HI zoning districts, except as may be expressly provided otherwise by the Agreement and this ordinance; (7) require the submission and approval of a Preliminary and Final Development Plan with engineering, landscaping, building elevation and lighting plans by the PZC and City Council pursuant to the procedures of the City's Unified Development Ordinance ("UDO") as a necessary precondition to the zoning entitlements provided by this Agreement; and (8) provide that any use or development of the Property shall conform to the "HI" Heavy Industrial District standards and the UDO's requirements, except as may otherwise be provided by the Agreement and this Ordinance (collectively, the "Zoning Petition"); and

WHEREAS, on October 21, 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 the approval of the Zoning Petition; and

WHEREAS, on October 28, 2024, upon due notice as provided by law, the City's corporate authorities held a public hearing on the Agreement; and

WHEREAS, on October 28, 2024, the City's corporate authorities adopted ordinances approving the Agreement and the Property's annexation 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 into this recital; 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. Industrial development including similar uses exist to the west across Peace Road in the Park 88 Development, as well as along the Peace Road corridor, south of I-88. An approximately 775,000 sq. ft. warehouse and distribution facility (Kraft Heinz) is under construction near the intersection of Peace Road and Gurler Road. Additional warehouse and distributions facilities in that area include an approximately 700,000 sq. ft. distribution center (Amazon) and the 1.6 million sq. ft. Ferrara distribution facility. 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 UDO's intent and purpose.**

The rezoning of the Property to "PD-I" provides the opportunity to more directly shape the development, use, and appearance of the 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 Property to a use that is complementary with the surrounding area. Large distribution and warehouses facilities lie to the west of the Property across Peace Road and to the south of I-88. The proposed rezoning and the 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, as well as the flexibility 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 west and southeast portions of the Property. Sanitary sewer extends along the north side of Fairview Dr. to Webster Road. A water main exists on the far southwest portion of the Property and runs along Peace Rd. Adequate vehicle and truck parking will be provided onsite, and the adjacent roadways will be improved to accommodate the anticipated traffic impacts. A traffic study will be required to be submitted in conjunction with the Preliminary/Final Development Plan.

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 C (the "Development Standards"); (D) logistics, manufacturing, packaging, distribution, and warehouse uses as permitted land uses for the zoning of the Property, as well as all other uses permitted in the "PD-I" zoning district; (E) the Concept Plan; (F) a maximum building square footage of 1,350,000 square feet with an option for a building addition of no more than 228,480 square feet; provided, however, that the option for a building addition of no more than 228,480 square feet shall be subject to approval by City Staff for compliance with the City's Municipal Code and evaluation of traffic and stormwater impacts; (G) the following setbacks: (i) parking – 100 feet from Peace Road and 50 feet from Fairview Drive; (ii) building – 175 feet from Peace Road and 150 feet from Fairview Drive; (H) the adoption of all other UDO standards and regulations for the PD-I and HI zoning districts, except as may be expressly provided otherwise by the Agreement and this ordinance; and (I) the approval of a Preliminary and Final Development Plan with engineering, landscaping, building elevation and lighting plans by the PZC and City Council pursuant to the UDO's procedures as a necessary precondition to the zoning entitlements provided by this Agreement. Except as may otherwise be provided by the Agreement and this Ordinance, any use or development of the Property shall conform to the UDO's "HI" Heavy Industrial District standards and requirements.

SECTION 3: The City's corporate authorities authorize and direct 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 28th day of October 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:

Part of the Southeast Quarter (SE1/4) of Section Twenty-five (25) and the Northeast Quarter (NE1/4) of Section Thirty-six (36), Township Forty (40) North, Range Four (4) East of the Third (3rd) Principal Meridian, and part of the Southwest Quarter (SW1/4) of Section Thirty (30) and the Northwest Quarter (NW1/4) of Section Thirty-one (31), Township Forty (40) North, Range Five (5) East of the Third (3rd) Principal Meridian, DeKalb County, Illinois, described as follows:

Beginning at a point on the easterly right-of-way line of Webster Road, said point being 33.00 feet east from the northeast corner of said Southeast Quarter (SE1/4) of Section Twenty-five (25) along a projection of the north line of said Southeast Quarter (SE1/4); thence South 0 degrees 16 minutes 58 seconds West, along said easterly right-of-way line, a distance of 945.16 feet; thence North 89 degrees 43 minutes 46 seconds West, a distance of 407.81 feet to the northwest corner of an existing 1.5 acre tract; thence South 0 degrees 16 minutes 17 seconds West, a distance of 196.50 feet to the southwest corner of said 1.5 acre tract; thence South 89 degrees 44 minutes 09 seconds East, a distance of 407.77 feet to said easterly right-of-way line of Webster Road; thence South 0 degrees 16 minutes 22 seconds West, along said easterly right-of-way line, a distance of 1537.31 feet to a point on the southerly right-of-way line of Fairview Drive; thence South 89 degrees 49 minutes 21 seconds West, along said southerly right-of-way, a distance of 2,485.96 feet to a point on the easterly right-of-way line of Peace Road; thence North 0 degrees 16 minutes 42 seconds East, along said easterly right-of-way line of Peace Road, a distance of 2,696.50 feet to a point on the north line of said Southeast Quarter (SE1/4) of Section Twenty-five (25); thence South 89 degrees 46 minutes 21 seconds East, along said north line, a distance of 2,485.82 feet to the Point of Beginning, containing 151.538 acres, more or less.

EXHIBIT B
(Concept Plan – Project Midwest)



CONCEPT PLAN OF PROJECT MIDWEST - DEKALB, ILLINOIS FOR MOHR CAPITAL										<div><p>WILLETT HORLANN ASSOCIATES, INC.</p><p>100 W. MONROE ST., SUITE 1000 CHICAGO, IL 60604-3902 TEL: (312) 467-1000 FAX: (312) 467-1001 © Copyright 2004 Willett Horlann & Associates, Inc.</p></div>										<table><tr><th colspan="2">REVISIONS</th></tr><tr><td>REV. NO.</td><td>DATE</td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>										REVISIONS		REV. NO.	DATE																
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EXHIBIT C
(PLANNED DEVELOPMENT STANDARDS – Project Midwest)

Permitted Uses:

Logistics, Manufacturing, Packaging, Distribution, Warehouse, and accessory uses in a building not exceeding 1,350,000 square feet. A building addition of no more than 228,480 sq. ft. shall be allowed with City staff approval taking into account traffic and stormwater impacts.

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 50 feet from Fairview Dr.; (b) building – 175 feet from Peace Road and 150 feet from Fairview Dr.

An eight (8) foot high black vinyl fence is permitted around the perimeter of the Property.

Preliminary and Final Development Plan Review:

A Preliminary and Final Development Plan shall be submitted and reviewed by the City's Planning and Zoning Commission and City Council pursuant to the UDO's procedures. The Preliminary and Final Development Plan should include engineering plans, landscaping plans, building elevations, a lighting plan, and a traffic study per the requirements of the City Engineer to determine the appropriate roadway improvements.