

APPROVING THE REZONING OF PROPERTY LOCATED AT 2100 PLEASANT STREET (SOUTHEAST CORNER OF PLEASANT STREET AND PEACE ROAD), DEKALB, ILLINOIS, FROM THE "HI" HEAVY INDUSTRIAL DISTRICT TO THE "GC" GENERAL COMMERCIAL DISTRICT (CITY OF DEKALB).

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, the City is the owner of the property commonly known as 2100 Pleasant Street, DeKalb, Illinois and legally described in the attached and incorporated Exhibit A (the "Property") and as further depicted in the Plat of Survey attached and incorporated as Exhibit B; and

WHEREAS, the City petitioned for approval of the Property's rezoning from the "HI" Heavy Industrial District to the "GC" General Commercial District (the "Rezoning"); and

WHEREAS, on September 16, 2024, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Rezoning, made findings of fact, and recommended approving the Rezoning; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and recommendation and further find that: (1) approving the Rezoning is in the City's best interests for the protection of the public health, safety and welfare; and (2) the Rezoning satisfies the applicable standards in the City's Unified Development Ordinance (the "UDO") 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 Property for Commercial uses. The Property is of adequate size to accommodate a commercial development. The proposed "GC" zoning classification is appropriate for the site, is adequate for a commercial development, 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 Unified Development Ordinance.**

The rezoning of the subject property to the "GC" District will make it consistent and compatible with the zoning in the surrounding neighborhood. The intent of the "GC" District is to be located in areas adjacent to arterial streets and is designed to accommodate a wide range of retail and service needs for the population of DeKalb and surrounding areas.

- 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 "GC" General Commercial District is compatible with the zoning in the surrounding area. The surrounding area consists of a mix of commercial and industrial and transportation uses. The Rezoning should have a positive effect on property values in the surrounding area. The Rezoning should also be a catalyst for further development along Peace Road and Pleasant St.

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 currently zoned "HI" Heavy Industrial District. Rezoning the Property to "GC" General Commercial District will allow it to be compatible with the zoning and land uses in the surrounding area. The Property has been vacant with "HI" Heavy Industrial zoning for decades.

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

Adequate public services and utilities are adjacent to the Property. Furthermore, there is appropriate frontage along Pleasant St. to provide a safe access for a future commercial user.

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 Rezoning and an amendment to the City's "Official Zoning Map" to depict the Property as located within the "GC" – General Commercial District.

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 that the terms of this Ordinance should be 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 23rd day of September 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)

The Property is legally described as follows:

THAT PART OF LOT 51 IN M.D. SHIPMAN'S FARM PLAT, RECORDED IN BOOK "D" OF PLATS ON PAGE 15, AS DOCUMENT NUMBER 36970 IN DEKALB COUNTY RECORDER'S OFFICE, IN SECTION 24, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 51; THENCE SOUTH 00 DEGREES 17 MINUTES 55 SECONDS WEST, 210.00 FEET, ALONG THE EAST LINE OF SAID LOT 51; THENCE SOUTH 89 DEGREES 30 MINUTES 54 SECONDS WEST, 61.50 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 06 SECONDS WEST, 285.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 05 SECONDS WEST, 203.14 FEET, TO THE EAST RIGHT OF WAY LINE OF N. PEACE ROAD, PER DOCUMENT 8305201; THENCE NORTH 12 DEGREES 26 MINUTES 02 SECONDS WEST, 321.73 FEET, ALONG SAID EAST RIGHT OF WAY LINE; THENCE CONTINUING NORTHWEST 78.48 FEET, ALONG SAID EAST RIGHT OF WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1145.92 FEET, A CHORD BEARING OF NORTH 10 DEGREES 28 MINUTES 19 SECONDS WEST, 78.47 FEET; THENCE NORTH 55 DEGREES 33 MINUTES 53 SECONDS EAST, 74.85 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 55 SECONDS EAST, 62.00 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PLEASANT STREET, ALSO BEING THE NORTH LINE OF SAID LOT 51, IN M.D. SHIPMAN'S FARM PLAT; THENCE SOUTH 89 DEGREES 53 MINUTES 05 SECONDS EAST, 285.00 FEET, ALONG SAID NORTH LINE OF SAID LOT 51, ALSO BEING THE SOUTH LINE OF SAID PLEASANT STREET TO THE POINT OF BEGINNING. ALL SITUATED IN THE CITY OF DEKALB, THE COUNTY OF DEKALB AND THE STATE OF ILLINOIS. SAID PARCEL CONTAINS 133,270 SQUARE FEET OR 3.059 ACRES MORE OR LESS.

EXHIBIT B

PLEASANT STREET

N. PEACE ROAD

PART OF LOT 51
3.059 ACRES MORE OR LESS

PART OF LOT 50
M.D. SHIPMAN'S FARM PLAT,
RECORDED IN BOOK "D" OF
PLATS ON PAGE 15, AS
DOCUMENT NUMBER 36970

TALL STEEL
BUILDING

LEGEND:

FOUND 6/8" IRON PIPE =

SET 5/8" IRON ROD =

CHAIN LINK FENCE =

APPROXIMATE CENTERLINE =

ACCESS EASEMENT LINE =

PLAT OF SURVEY

THAT PART OF LOT 51 IN M.D. SHIPMAN'S FARM PLAT, RECORDED IN BOOK "D" OF PLATS ON PAGE 15, AS DOCUMENT NUMBER 36970 IN DEKALB COUNTY RECORDER'S OFFICE, IN SECTION 24, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 51; THENCE SOUTH 00 DEGREES 17 MINUTES 55 SECONDS WEST, 210.00 FEET, ALONG THE EAST LINE OF SAID LOT 51; THENCE SOUTH 89 DEGREES 30 MINUTES 54 SECONDS WEST, 61.50 FEET; THENCE SOUTH 00 DEGREES 29 MINUTES 06 SECONDS WEST, 285.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 05 SECONDS WEST, 203.14 FEET, TO THE EAST RIGHT OF WAY LINE OF N. PEACE ROAD, PER DOCUMENT 8305201; THENCE NORTH 12 DEGREES 26 MINUTES 02 SECONDS WEST, 321.73 FEET, ALONG SAID EAST RIGHT OF WAY LINE; THENCE CONTINUING NORTHWEST 78.48 FEET, ALONG SAID EAST RIGHT OF WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 1145.92 FEET, A CHORD BEARING OF NORTH 10 DEGREES 28 MINUTES 19 SECONDS WEST, 78.47 FEET; THENCE NORTH 55 DEGREES 33 MINUTES 53 SECONDS EAST, 74.85 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 55 SECONDS EAST, 62.00 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PLEASANT STREET, ALSO BEING THE NORTH LINE OF SAID LOT 51, IN M.D. SHIPMAN'S FARM PLAT; THENCE SOUTH 89 DEGREES 53 MINUTES 05 SECONDS EAST, 285.00 FEET, ALONG SAID NORTH LINE OF SAID LOT 51, ALSO BEING THE SOUTH LINE OF SAID PLEASANT STREET TO THE POINT OF BEGINNING. ALL SITUATED IN THE CITY OF DEKALB, THE COUNTY OF DEKALB AND THE STATE OF ILLINOIS. SAID PARCEL CONTAINS 133,270 SQUARE FEET OR 3.059 ACRES MORE OR LESS. PART OF P.I.N. 08-24-178-005

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF BOONE)

I, JEFFERSON J. BRAZAS, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT A PLAT OF SURVEY HAS BEEN MADE UNDER MY DIRECTION AND SUPERVISION OF THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT DRAWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. FIELD WORK COMPLETE MAY 30TH, 2024.

DATED THIS 5TH DAY OF JULY, A.D., 2024.

JEFFERSON J. BRAZAS,
ILLINOIS PROFESSIONAL LAND SURVEYOR #3530
THIS PROFESSIONAL SERVICE CONFORMS WITH THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

EXPIRES 11/30/2024

C.E.S.
INC.

700 WEST LOCUST ST., MELVILLE, ILLINOIS 61304
PHONE: (815) 547-8415, FAX: (815) 544-0421
ILLINOIS DESIGN FIRM NO. 184-001260

CLIENT: CITY OF DEKALB

CITY OF DEKALB, DEKALB COUNTY, ILLINOIS

DATE: 07-09-2024 DRAWN BY: JJB SHEET
PROJECT NUMBER: 5692 DWG#: 5692_SURVEY_BASE 1 of 1

NOTES:

- THERE MAY BE UNDERGROUND UTILITIES THAT ARE NOT SHOWN HEREON.
- COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE TO THE SURVEYOR AT ONCE.
- NO DIMENSIONS ARE TO BE ASSUMED BY SCALE MEASUREMENTS.
- THIS PLAT OF SURVEY IS VOID WITHOUT THE SEAL AND ORIGINAL SIGNATURE OF THE SURVEYOR.
- ALL DISTANCES ARE MEASURED UNLESS NOTED.
- BASE OF BEARING IS ASSUMED.
- RECORD BEARING AND DIMENSIONS IN PARENTHESES, MEASURED DIMENSIONS WITHOUT PARENTHESES.