

**APPROVING A SPECIAL USE PERMIT AT 2050 E. LINCOLN HIGHWAY,
DEKALB, ILLINOIS, FOR AUTOMOBILE SALES (CIRILO MENDEZ).**

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, Cirilo Mendez (the "Petitioner"), is an owner of the property that is located at 2050 E. Lincoln Highway, DeKalb, Illinois, depicted in the site plan attached and incorporated as Exhibit A (the "Site Plan"), and legally described on the attached and incorporated Exhibit B (the "Property"); and

WHEREAS, Petitioner petitioned the City to approve a special use permit for the sale of automobiles on the Property (the "Special Use"); and

WHEREAS, on January 21, 2025, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Special Use, made findings of fact, and recommended approving the Special Use; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving the Special Use is in the City's best interests for the protection of the public health, safety and welfare, and specifically find that the Special Use conforms with the applicable factors of the City's Unified Development Ordinance (the "UDO") as follows:

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UDO

- 1. The proposed special use complies with all provisions of the applicable district regulations.**

The proposed special use will comply with all regulations of the "LC" Light Commercial District of the UDO.

- 2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large.**

The proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned "LC" Light Commercial since 2012. The property is along a major roadway and suitable for an auto sales lot. The proposed special use meets the recommendations of the City's 2022 Comprehensive Plan, which indicates commercial uses for the property. Several conditions are recommended that will ensure the special use is not detrimental to the value of other property in the neighborhood.

- 3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations.**

The granting of the special use will not dominate the immediate area and will not prevent development of neighboring properties. Much of the area is already developed with a variety of commercial uses. The surrounding uses include a gas station, vehicle storage area, self-storage facility, furniture store, single-family home, towing business and an equipment and tool rental place.

4. Adequate utility, drainage and other such necessary facilities have been or will be provided.

Public services and utilities are already provided to the subject property. Adequate highway access and parking will be provided as well as a hard surface area for the autos to be displayed. In addition, stormwater management will be provided on the site. The future sales office in the former home will be able to use the existing well and septic system on the property unless the property is redeveloped.

5. The proposed use, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of the City of DeKalb.

The proposed special use will not be detrimental to the permitted uses in the "LC" Light Commercial District. The proposed special use will be in compliance with the 2022 Comprehensive Plan, UDO, and Municipal Code. Adequate parking is provided on the site as well as parking for the automobiles for sale. Conditions are suggested in the recommendation that will ensure the special use is visually compatible with the uses in the surrounding area. One of the conditions requires the proposed improvements to be completed within one (1) year of approval of the special use permit. The proposed special use will not have a negative impact on development and use of neighboring property, adjacent existing or future land uses, adjacent property values, or the general public's health, safety, and welfare.

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 and approve the Special Use permit for automobile sales on the Property, subject to the following conditions:

1. Owner shall create and pave a vehicle display area pursuant to and in compliance with the UDO's requirements;
2. Owner shall provide: (a) one parking space (9' x 19') for every 300 sq. ft. of office area; and (b) one handicap space (16' x 19');
3. No repairs of vehicles shall be allowed outdoors on the Property;
4. Auto detailing and minor services (e.g., oil change) are only allowed for vehicles for sale and must be conducted indoors.
5. No outside storage of inoperable vehicles shall be allowed on the Property.
6. No outside storage of boats, trailers, and recreational vehicles shall be allowed on the Property;
7. Owner shall comply with applicable laws, ordinances, codes, regulations, and guidelines pertaining to the storage/disposal of spent liquids, tires, parts, and other environmental hazardous materials;

8. Owner may maintain the existing well water and septic service on the Property; provided, however, that Owner shall: (1) reasonably maintain the existing well water and septic service; and (2) comply with the UDO's provisions for water and sewer service at the Owner's sole cost and expense if the Property is redeveloped, the Special Use is amended, or the City's Public Works Director makes a written determination that the existing well water service is inadequate to accommodate the reasonable needs of the Property or otherwise comply with applicable health regulations;
9. Owner shall provide access for customers and employees to toilet facilities and waiting area in the building pursuant to and in compliance with the City's Building Code and applicable laws, ordinances, regulations, and accessibility requirements;
10. No expansion of vehicle display area or office shall be allowed unless the Special Use is amended;
11. Owner shall comply with the floor plan attached and incorporated as Exhibit C;
12. Owner shall comply with applicable laws, ordinances, regulations, and codes pertaining to the development, maintenance, ownership, operation, use, and taxation of the Property; and
13. The Special Use shall expire within one (1) year of approval of the Ordinance, unless the paved display area, parking lot, drainage basin, landscaping, lighting and the sales office are completed and a final occupancy permit is issued by the City.

SECTION 3: This Ordinance 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 27th day of January 2025 and approved by me as Mayor on the same day. Passed by a 7-0-1 roll call vote. Aye: Zasada, Larson, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Smith.




COHEN BARNES, Mayor

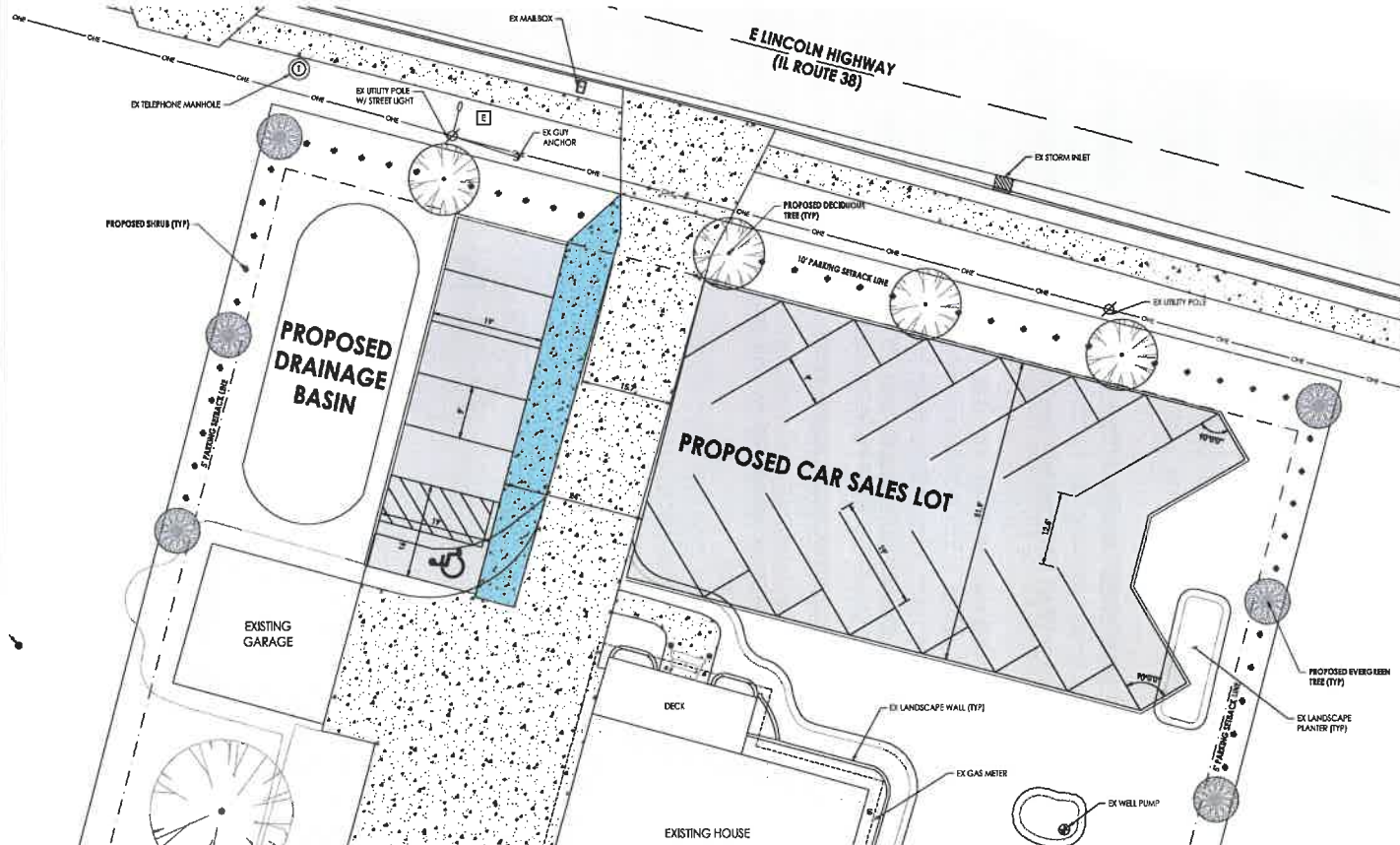
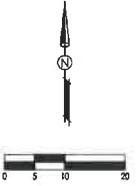
ATTEST:


Ruth A. Scott, Executive Assistant

SITE LOCATION MAP



EXHIBIT A



LEGEND	
[Pattern]	EXISTING HMA PAVEMENT
[Pattern]	EXISTING GRAVEL/SHOULDER
[Pattern]	EXISTING CONCRETE SURFACE
[Pattern]	PROPOSED HMA PAVEMENT
[Pattern]	PROPOSED CONCRETE SURFACE
[Symbol]	NUMBER OF PARKING SPACES
B/F	BASEMENT FINISHED FLOOR
F/F	FINISHED FLOOR
G/F	GARAGE SLAB AT DOOR
1/F	TOP OF FOUNDATION

- NOTES:**
- CONTRACTOR TO VERIFY EXACT LOCATION AND ELEVATION OF EXISTING UTILITIES AT LOCATIONS OF CONFLICT. CONTRACTOR TO NOTIFY ENGINEER WITH ANY DISCREPANCIES.
 - ALL SIDEWALK RAMPS TO BE IN ACCORDANCE WITH ADA REQUIREMENTS.

PARKING DATA	
18	STANDARD PARKING SPACES
1	ADA PARKING SPACES
19	TOTAL PARKING SPACES

LANDSCAPING REQUIREMENTS	
FRONTAGE	187 FT.
TREE RATIO	1 PER 30 FT. FRONTAGE
SHRUB RATIO	4 PER 30 FT. FRONTAGE
TOTAL TREES	4
TOTAL SHRUBS	25

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700 WEST LOCUST ST., BELVIDERE, ILLINOIS 61009
 PHONE: (815) 847-4400, FAX: (815) 844-0401
 BLANKING ORIGIN FROM NO. 104-001500

Corp	Division	By
2050 Lincoln Highway Geometric Plan		
CHECKED BY: JDS DATE: 10/27/24	DRAWN BY: KAM DATE: 10/27/24	Sheet 1 of 33

EXHIBIT A

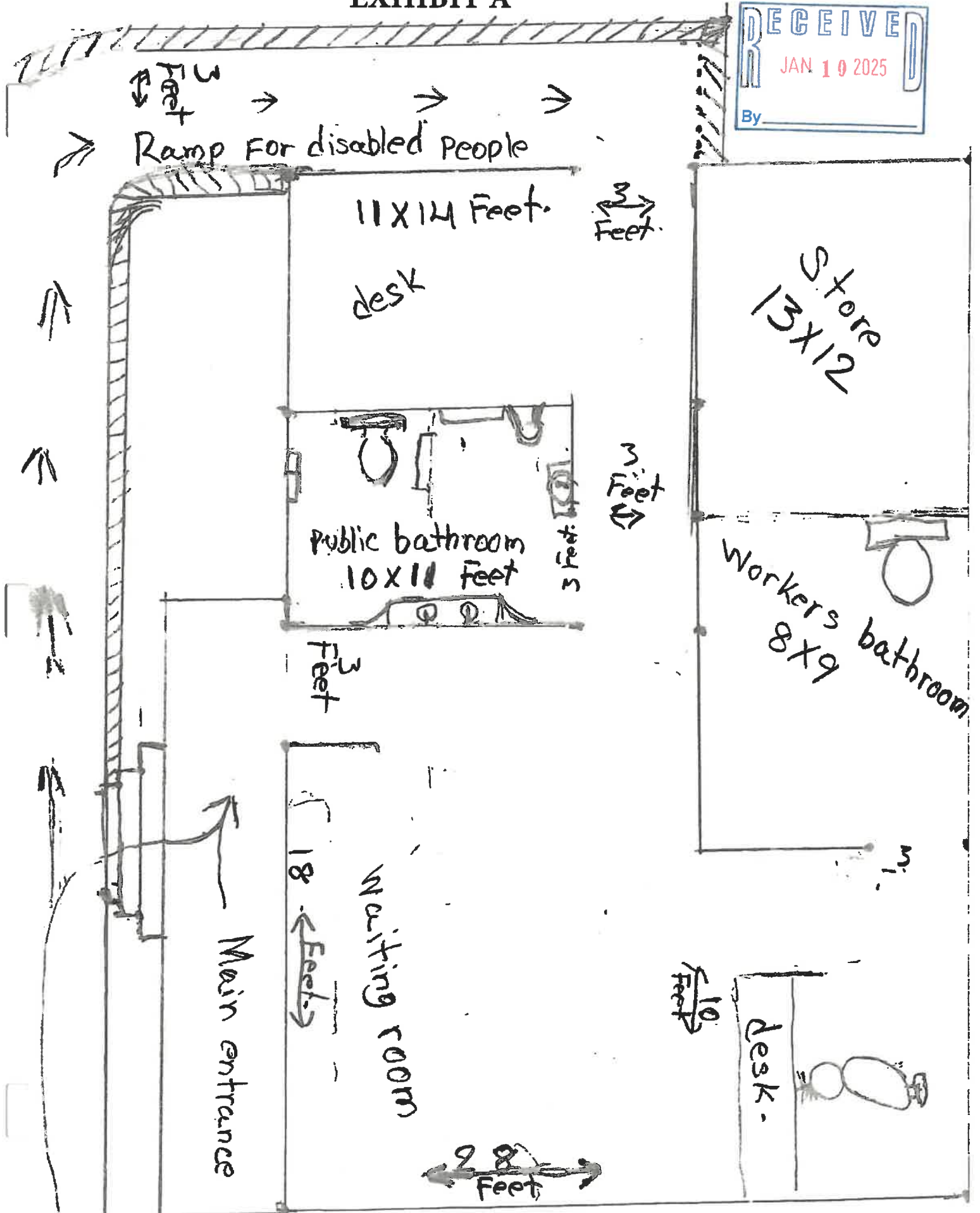
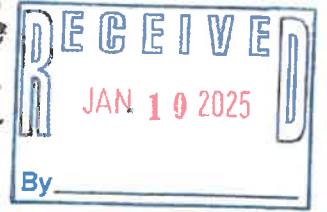


EXHIBIT B
(Legal Description of the Property)

The Property is legally described as follows:

Tract 3 of Orr and Worrell Plat of Survey of part of the East half of the Southwest quarter Section 24, Township 40 North, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois as recorded in Book "W" of Plats, page 39, as Document No. 92002117, in the DeKalb County Recorder's Office, DeKalb County, Illinois;

ALSO DESCRIBED AS FOLLOWS: That part of the East half of the Southwest quarter of Section 24, Township 40 North, Range 4 East of the Third Principal Meridian, described as follows: Commencing at the Southeast corner of said Southwest quarter; thence West along the South line of said Southwest quarter, 92.0 feet; thence Northerly at an angle of 89 degrees 57 minutes 04 seconds measured counterclockwise from the last described course, along a line parallel with the East line of said Southwest quarter, 111.10 feet to the Southerly line of the property described in the Trustee's Deed recorded as Document No. 86 04961; thence Northwesterly at an angle of 104 degrees 09 minutes 08 seconds measured clockwise from the last described course, along the said Southerly line, 137.62 feet to the Southwesterly corner of the property described in said Trustee's Deed; thence Northerly parallel with said East line, 100.00 feet to the Southerly line of Lincoln Highway per document recorded in Miscellaneous Records Book "R", page 49; thence Northwesterly at an angle of 104 degrees 09 minutes 08 seconds measured clockwise from the last described course, along the Southerly line of said highway, 255.50 feet for a point of beginning; thence continuing Northwesterly along said Southerly line, 200.00 feet; thence Southeasterly at an angle of 86 degrees 36 minutes 41 seconds measured clockwise from said Southerly line, 227.43 feet; thence Southeasterly at an angle of 93 degrees 20 minutes 40 seconds measured clockwise from the last described course, 186.80 feet; thence Northeasterly at an angle of 89 degrees 59 minutes measured clockwise from the last described course, 226.89 feet to the point of beginning, EXCEPT that part that was conveyed to the People of the State of Illinois in Document No. 96001289, all in DeKalb County, Illinois.

Common Address: 2050 E. Lincoln Highway, DeKalb, IL 60115
Parcel Identification Number ("PIN"): 08-24-377-012.