

**ORDINANCE 2017-026**

**PASSED: APRIL 24, 2017**

**AUTHORIZING A ZONING MAP AMENDMENT TO THE  
“LC” LIGHT COMMERCIAL DISTRICT FOR PROPERTY  
LOCATED AT 1015 BLACKHAWK ROAD.**

**WHEREAS**, the City of DeKalb is a home rule municipality with the power and authority conferred upon it by the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, the City of DeKalb (herein referred to as “Petitioner”) petitioned for approval of a zoning map amendment from the “LC” Light Commercial District to the “LC” Light Commercial District for the property commonly known as 1015 Blackhawk Road, DeKalb, Illinois (herein referred to as “Subject Property”); and

**WHEREAS**, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on April 12, 2017; and

**WHEREAS**, the City has conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for the rezoning for the Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

**WHEREAS**, the City Council has reviewed and adopts the following findings of fact of the Planning and Zoning Commission of the City of DeKalb, finds that the proposed rezoning is in conformance with the applicable zoning factors contained therein, and finds that approval of the rezoning for the Subject Property is in the public interest and promotes the public health, safety and welfare;

**STANDARDS OF REZONING (ARTICLE 20.04.04 OF UDO)**

**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 2005 Comprehensive Plan recommends the subject site for commercial uses. The Greek Row Neighborhood Revitalization Plan approved by the City in October, 2002 revealed there was a lack of adequate businesses within walking distance to serve the needs of the neighborhood residents. The Plan recommended that new commercial development in the area should be neighborhood focused to take advantage of the college-orientated market. The “LC” Light Commercial zoning is most suited for those types of uses. The “LC” Light Commercial Zoning is appropriate for the site and meets the intent of the City’s Comprehensive Planning documents.

Development trends in the area include recent improvements to existing commercial properties such as the Casey's General Store (zoned "LC" Light Commercial) at the northwest corner of Annie Glidden Road and Hillcrest Drive. A new restaurant/sports bar recently opened in an existing commercial building at the southwest corner of Annie Glidden Road and Hillcrest Drive.

The adjoining property to the north accommodates a successful up-scale Italian restaurant. The adjoining property to the west is presently improved with a two-story mixed use building with commercial on the first floor and residential units above on a site that provides a code compliant number of parking spaces.

**2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.**

The Unified Development Ordinance indicates the "LC" Light Commercial District is intended to be located in areas adjacent to collector streets and designed to accommodate the retail and limited service needs of a larger consumer population than is typically serviced by the "NC" Neighborhood Commercial District. The subject site is located at the northwest corner of Blackhawk Road and Hillcrest Drive, which is a designated collector street. Light Commercial (LC) zoning is the most appropriate zoning classification for the subject site and would allow for development that meets the intent and purpose 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.**

Much of the surrounding area is already developed. Properties directly to the north and west are zoned "LC" Light Commercial. Permitted uses in the "LC" District are compatible with the land uses in the surrounding area. The multi-tenant commercial building directly to the west along Hillcrest Drive is zoned "LC" Light Commercial and has uses that serve the immediate area. The proposed zoning of "LC" will not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to commercial uses that are complementary with existing and adjacent land uses along Hillcrest Drive and Blackhawk Road.

**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 proposed for "LC" Light Commercial District zoning. The "LC" District will allow the property to be used for commercial uses that will be compatible with the surrounding area.

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

Adequate public services are provided to the subject property. A 184 space parking lot is located adjacent to the building and full access drives exist to both Hillcrest Drive and Blackhawk Road. Bus stops also exist along Hillcrest Drive and Blackhawk Road.

**ADDITIONAL FACTORS (“LASALLE” FACTORS)**

**1. The existing uses and zoning of nearby property.**

This factor is analyzed in the other findings in this Ordinance and favors the implementation of LC zoning as described.

**2. The extent to which property values would be diminished by the zoning requested.**

There is no indication that the property value of the subject site would be diminished by the zoning requested, in comparison to any other presently available zoning designation. The property is presently improved with a commercial building, and the denial of a commercial zoning designation would render the existing building useless, which would substantially impair property values. There is no indication that imposition of an alternate commercial zoning designation, such as General Commercial (GC) would benefit the property’s value, and under the UDO, GC is not appropriate for a property served by streets of the nature serving the property.

**3. The extent to which destruction of property values benefits the health, safety or welfare of the public.**

Again, there is no indication that there is any destruction of property value through the LC zoning. The LC zoning appears to be the zoning that maximizes the value and utility of the property. Of note, in the 2015 litigation, the Owner submitted information to the Court suggesting that the LC zoning for the property maximized its value, suggesting that the Owner agrees with this conclusion.

**4. The relative gain to the public as compared to the hardship on the individual owner.**

As noted in this report, the City’s studies of the area suggest that there is a need for commercial properties and commercial services in the area. The City is presently considering the completion of an Annie Glidden North project study to further explore this commercial need. The public would benefit from quality commercial uses being provided at the property. As noted above, the implementation of LC zoning would not have any hardship on the property owner, in comparison to any other available zoning classification.

**5. The suitability of the property for the zoned purpose.**

The property has commercial properties contiguous to it as noted in this report. It presently is improved with a commercial building. The property has a large parking area that could be reconfigured to comply with applicable requirements of the UDO. The shape and size of the property are highly suitable for commercial use as a LC zoned parcel, and the location of the property is ideal to provide commercial services to nearby commercial properties. The property, as LC, provides an orderly transition between commercial and residential uses.

**6. The public need for the proposed purpose.**

As noted in the staff report dated April 7, 2017, City studies have concluded for over 15 years that there is extensive need for commercially zoned properties in the area, and need for commercial services from such properties. The public need for LC zoned properties and commercial services is great.

**7. The thoroughness with which the City has planned and zoned its land use.**

The City has completed both comprehensive plans and neighborhood-specific studies to comprehensively plan and zone land uses in the area of the property. As referenced in the staff report dated April 7, 2017, there are a number of studies that have been completed and which are presently under consideration, that bear out the thoroughness of this planning.

**8. The time period during which the property has remained vacant as zoned.**

As the property is presently zoned LC, this factor would not seem to be applicable. However, the vacancy of the property appears to relate more to the owner's decision to discontinue the commercial movie theater on the property, and the owner's decision to refrain from reconfiguring the property to provide the commercial services needed in the area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL** of the City of DeKalb, Illinois as follows:

**Section 1.** The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

**Section 2.** This Ordinance is limited and restricted to the Subject Property legally described as follows:

LOT 706 IN THE TWELFTH ADDITION TO ROLLING MEADOWS SUBDIVISION, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "R" OF PLATS ON PAGE 9, ON APRIL 14, 1976, AS DOCUMENT NO. 392887 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS, ALL SITUATED IN THE CITY OF DEKALB, THE COUNTY OF DEKALB AND THE STATE OF ILLINOIS.

The aforementioned legal description is comprised of Parcel Identification Number (PIN) 08-15-151-011 and commonly known as 1015 Blackhawk Road, DeKalb, IL 60115.

**Section 3:** A zoning map amendment from "LC" Light Commercial District to "LC" Light Commercial District is hereby granted for the Subject Property; and

**Section 4.** All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

**Section 5.** Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

**Section 6.** That all provisions of the Unified Development Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or designee shall record a copy of this Ordinance included herein after execution of this Ordinance.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a regular meeting thereof held on the 24<sup>th</sup> day of April, 2017, and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

**ATTEST:**

  
JENNIFER JEEP JOHNSON, City Clerk

  
JOHN A. REY, Mayor

The seal of the City of DeKalb, Illinois, is circular with a double-line border. The outer ring contains the text "CITY OF DE KALB" at the top and "STATE OF ILLINOIS" at the bottom. The inner circle features a central emblem of an eagle with its wings spread, perched on a shield. Below the shield is a banner with the word "DEKALB".

# 1015 Blackhawk Road Rezoning





2017007194

**DOUGLAS J. JOHNSON**  
RECORDER - DEKALB COUNTY, IL

RECORDED: 7/27/2017 11:37 AM  
REC FEE: 81.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 7

POOR ORIGINAL OR CONTAINS COLORED INK  
RECORDER NOT RESPONSIBLE  
FOR REPRODUCTION

I, **RUTH A. SCOTT**, do hereby certify that I am the duly appointed Deputy City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.


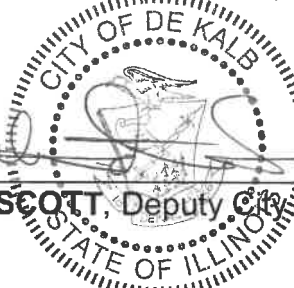
I do further certify that the attached is a true and correct copy of:

**ORDINANCE 2017-026**

**AUTHORIZING A ZONING MAP AMENDMENT TO THE "LC"  
LIGHT COMMERCIAL DISTRICT FOR PROPERTY  
LOCATED AT 1015 BLACKHAWK ROAD, DEKALB,  
ILLINOIS.**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois on the 24<sup>th</sup> day of April, 2017, and the original is now on file at the City of DeKalb Municipal Building.

**WITNESS** my hand and the official seal of said City this 19<sup>th</sup> day of July, 2017.

  
**RUTH A. SCOTT**, Deputy City Clerk  


Prepared by and Return to:

Deputy City Clerk Ruth Scott  
City of DeKalb  
200 South Fourth Street  
DeKalb, IL 60115