



2019000962

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL
RECORDED: 2/11/2019 03:43 PM
REC FEE: 55.00

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

PAGES: 5

I, **LYNN A. FAZEKAS**, do hereby certify that I am the duly appointed 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.

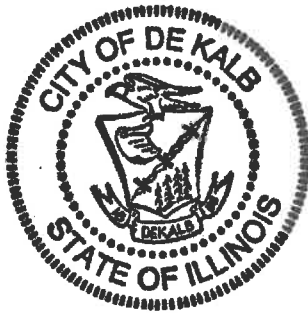
I do further certify that the attached is a true and correct copy of:


ORDINANCE 2019-005

AUTHORIZING A SPECIAL USE PERMIT FOR A VEHICLE SERVICE FACILITY AT 1806 SYCAMORE ROAD, DEKALB, ILLINOIS.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 14th day of January 2019. The original will be kept on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 18th day of January 2019.




LYNN A. FAZEKAS, City Clerk

Prepared by and Return to:

City of DeKalb
City Clerk's Office
200 S. Fourth Street
DeKalb, Illinois 60115

AUTHORIZING A SPECIAL USE PERMIT FOR A VEHICLE SERVICE FACILITY AT 1806 SYCAMORE ROAD, DEKALB, ILLINOIS.

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, Miguel Mendoza (herein referred to as "Petitioner") of property located at 1806 Sycamore Road, DeKalb, Illinois, (herein referred to as "Subject Property"), has petitioned the City of DeKalb for approval of a special use permit for a vehicle service facility in the "GC" General Commercial District; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on December 19, 2018; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for the special use permit for the Subject 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 special use permit is in conformance with the applicable factors contained therein, and finds that approval of the special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare;

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05 (2) OF THE UNIFIED DEVELOPMENT ORDINANCE

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

The proposed vehicle service facility will comply with all regulations of the "GC" General Commercial District and the UDO. The applicant is not proposing any site improvements or a building expansion. The special use permit has conditions as part of the approval regarding the operation of the business and bringing the site up to compliance with the Illinois Accessibility Code and the City of DeKalb.

- 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 commercial for decades and a commercial building

has existed on the site since the late 1990's. The subject site is in proximity to a variety of other commercial uses including a vehicle service facility, car rental operation and automobile sales facility. The special use permit will have restrictions regarding where repair work can occur, limitations on inoperable vehicles and that no outside storage of materials is allowed.

- 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 on the neighboring properties. The surrounding area is already developed with a variety of commercial uses, including auto related ones.

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

Adequate public services are already provided to the subject site.

- 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 developments and uses on the site or to the surrounding area. The site contained a former vehicle oil change operation. Restrictions will be placed on use regarding where repair work can occur, limitations on inoperable vehicles and that no outside storage of materials is allowed. The proposed special use will take up a vacant commercial building and Sycamore Road and will be an economic benefit to the corridor.

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 described as follows:

LOT 102 IN CARPENTER COMMERCIAL DEVELOPMENT
UNIT 2, ACCORDING TO THE PLAT THEREOF
RECORDED MAY 14TH, 1997 IN BOOK "Z" OF PLATS,
PAGE 246, AS DOCUMENT NO. 97005502, IN THE CITY OF
DEKALB, DEKALB COUNTY, ILLINOIS.

SECTION 3. A special use permit for a vehicle service facility is hereby granted for the Subject Property subject to the following conditions:

1. The parking lot shall be sealcoated and re-stripped in compliance with the Illinois Accessibility Code and the City of DeKalb within 120 days after approval of the special use permit by the City Council.
2. A handicap sign shall be added in compliance with the Illinois Accessibility Code and the City of DeKalb prior to the special use being operational.
3. Inoperable or unlicensed vehicles shall not be parked on the site for more than 10 days. An inoperable vehicle shall be defined as any motor vehicle from which the engine, wheels or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power or shall be as defined under then-current City Code.
4. No more than five inoperable vehicles shall be stored on the subject site overnight.
5. No damaged vehicles requiring body work or vehicles with flat tires shall be parked on the site overnight.
6. No inoperable vehicles associated with the special use shall be parked off-site.
7. All vehicle repair work must be conducted indoors.
8. There shall be no outside storage of any materials.
9. The storage of any vehicles or trailers on the subject site not associated with the special use is prohibited.
10. The storage of any trailers on-site associated with the special use shall be maintained in good condition, currently registered and have no flat tires.
11. The existing ground sign on the subject site, which is 12.5 sq. ft. in size and three feet in height shall not be expanded.
12. The number of required and provided parking spaces be documented on the survey and submitted with any permits needed for the special use permit.

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

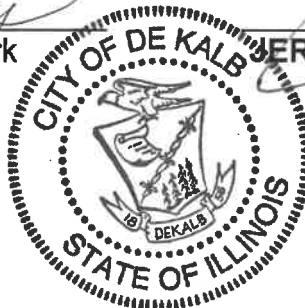
SECTION 5. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 6. That all provisions of the UDO 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 14th day of January 2019 and approved by me as Mayor on the same day. First Reading passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

ATTEST:


LYNN A. FAZEKAS, City Clerk




JERRY SMITH, Mayor