

**APPROVING A SPECIAL USE PERMIT FOR DWELLING UNITS ABOVE THE GROUND FLOOR AT 400 E. HILLCREST DRIVE AND 444 E. HILLCREST DRIVE, DEKALB, ILLINOIS (FOUR FORTY FOUR, LLC) AS IT PERTAINS TO THE ADDITION OF 17 APARTMENT UNITS.**

**WHEREAS**, the City of DeKalb (the "City") is a home rule unit of local government which 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**, Four Forty Four, LLC, is the owner of property located at 400 E. Hillcrest Dr. and 444 E. Hillcrest Dr., DeKalb, Illinois (herein referred to as "Subject Property"), legally described as set forth in Exhibit A, and has petitioned the City for approval of a special use permit for dwelling units above the ground floor on the Subject Property; and

**WHEREAS**, pursuant to proper legal notice, a public hearing was conducted by the City's Planning and Zoning Commission on May 17, 2021; and

**WHEREAS**, the Petitioner has conducted all required public hearings before the City's Planning and Zoning Commission for a special use permit for dwelling units above the ground floor on the Subject Property and has otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

**WHEREAS**, the City's corporate authorities adopt the following findings of fact of the City's Planning and Zoning Commission, find that approval of special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare, and specifically find that the proposed special use permit is in conformance with the applicable factors contained therein as follows:

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

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

The proposed apartment units comply with all regulations of the "LC" Light Commercial District and the UDO. Adequate parking will be provided to accommodate the existing office space and the proposed apartment units. There are 133 parking spaces provided on-site and 89 spaces are required per the UDO. A condition is included with the recommendation that will require compliance with the Illinois Accessibility Code and Municipal Code related to the handicap spaces on the site.

**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 surrounding area contains a mix of single-family, two-family, multi-family, commercial and open space. Duplexes exist to the north along E. Hillcrest Dr. from the Kishwaukee River to Sycamore Road. To the east are single-family homes across Sycamore Road and to the south

and west is St. Mary's Cemetery, the Kishwaukee River and Hillcrest Place Apartments. Various commercial uses also exist to the west. The proposed special use is compatible with the surrounding land uses.

- 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 special use will not dominate the immediate area and will not prevent development on the neighboring properties. The surrounding area is already developed with two-family residential to the north, multi-family and commercial to the west, single-family residential to the east and a cemetery and open space to the south.

The City Engineer has reviewed the proposal and given the current volume of traffic and design of E. Hillcrest Dr. and determined that traffic impacts from the apartment units would be negligible, especially since the units will be replacing office space, and that existing improvements along E. Hillcrest Dr., including the existing double left turns lanes at Sycamore Road, are more than adequate to handle any additional traffic.

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

Adequate utilities and drainage are already provided for the subject site. There will not be any additional impervious surface added with the proposed special use. There is excess parking provided on the subject site to accommodate the proposed apartments and remaining office space.

- 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 in the "LC" District and will be compatible with the surrounding area. The proposed special use will provide 17 new apartment units that are needed in the market. Approval of the special use will allow two commercial buildings at a prominent intersection in the City to have an adaptive re-use for the upper floors so the property can continue to thrive and generate additional property taxes. A condition is included with the recommendation that will require compliance with the Illinois Accessibility Code and Municipal Code related to the handicap spaces and signage on the site.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**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 Petitioner's proposed use of the Subject Property as represented to the City Council and the City's Planning and Zoning Commission, and the Subject Property legally described in Exhibit A.

**SECTION 3:** A special use permit for dwelling units above the ground floor is hereby approved for the Subject Property as shown on the aerial image/site plan dated 5-13-21 attached hereto and incorporated herein as Exhibit B, subject to the following conditions:

1. There shall be no more than 17 apartment units (14 1-bedroom units and 3 2-bedroom units) on the Subject Property.
2. All handicap parking spaces and signage on the Subject Property shall be brought into compliance with the Illinois Accessibility Code and Municipal Code prior to the occupancy of any dwelling unit.
3. Petitioner's compliance with applicable Federal, State and local law including, but not limited to, the City's Municipal Code.

**SECTION 4:** All ordinances or portions thereof in conflict with this ordinance 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 Clerk or Executive Assistant 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 May 2021 and approved by me as Mayor on the same day. Passed on First Reading by a 6-0-2 roll call vote. Aye: Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Morris, Verbic. Second Reading waived by a 6-0-2 roll call vote. Aye: Larson, Smith, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Morris, Verbic.



  
COHEN BARNES, Mayor

ATTEST:

  
Ruth A. Scott, Executive Assistant

**EXHIBIT A  
(LEGAL DESCRIPTION)**

PARCEL ONE:

LOTS 1 AND 2 AND THAT PART OF LOT 3 LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 1, ALL IN H.K. SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 22ND, 1980, AS DOCUMENT NO. 80 03154, IN DEKALB COUNTY, ILLINOIS. (EXCEPTING THEREFROM THAT PORTION CONVEYED TO DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS BY ORDER VESTING TITLE IN CASE NO. 94-ED- 10, SAID ORDER BEING RECORDED JUNE 16, 1995 AS DOCUMENT NO. 95005664 AND DESCRIBED AS FOLLOWS: A PARCEL OF LAND IN LOT 2 IN H.K. SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 22, 1980 IN PLAT BOOK "S" AT PAGE 41 AS DOCUMENT NO. 80 03154 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST EASTERLY CORNER OF SAID LOT 2; THENCE SOUTHWESTERLY, ON THE SOUTHEAST LINE OF SAID LOT 2, A DISTANCE OF 40.0 FEET ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 8225.16 FEET, A CENTRAL ANGLE OF 0° 16'43" AND THE LONG CHORD OF SAID CURVE BEARS SOUTH 56°31 '05" WEST, A CHORD DISTANCE OF 40.0 FEET TO A POINT, THENCE NORTHEASTERLY ON A LINE HAVING A BEARING OF NORTH 11°35'06 EAST A DISTANCE OF 56.63 FEET TO A POINT IN THE NORTHEAST LINE OF SAID LOT 2; THENCE SOUTHEASTERLY, ON SAID NORTHEAST LINE, A DISTANCE OF 23.01 FEET ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1238.33 FEET, A CENTRAL ANGLE OF 1°03'53 AND THE LONG CHORD OF SAID CURVE BEARS SOUTH 33°34'43" EAST, A CHORD DISTANCE OF 23.01 FEET TO A POINT OF TANGENCY; THENCE SOUTHEASTERLY, ON SAID NORTHEAST LINE, SAID LINE HAVING A BEARING OF SOUTH 3S02'47" EAST, A DISTANCE OF 16.99 FEET TO THE POINT OF BEGINNING. (FOR THE PURPOSES OF THIS DESCRIPTION, SAID NORTHEAST LINE OF LOT 1 HAS BEEN ASSIGNED THE BEARING OF SOUTH 33°02'47" EAST.))

PARCEL TWO:

HILLCREST CENTRE II CONDOMINIUM, A CONDOMINIUM ON THE FOLLOWING DESCRIBED PROPERTY: LOT 33 OF RIVERVIEW SUBDIVISION ON SECTION 14, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS, IN ACCORDANCE WITH THE PLAT THEREOF RECORDED IN BOOK "N" OF PLATS, PAGE 37, IN THE DEKALB COUNTY RECORDER'S OFFICE: (EXCEPT THE FOLLOWING: COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 33, SAID CORNER BEING THE INTERSECTION OF THE CENTERLINE OF THE ORIGINAL CHANNEL OF THE KISHWAUKEE RIVER WITH THE CENTER LINE OF THE RELOCATED CHANNEL OF SAID RIVER; THENCE EASTERLY, ALONG THE CENTER LINE

OF THE ORIGINAL CHANNEL, THE SAME BEING THE BOUNDARY LINE OF SAID LOT 33, A DISTANCE OF 150.0 FEET TO AN ANGLE POINT IN THE BOUNDARY LINE OF SAID LOT 33; THENCE SOUTHEASTERLY, AT AN ANGLE OF 184°29', MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE AND ALONG THE BOUNDARY LINE OF SAID LOT 33, A DISTANCE OF 238.4 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY, ALONG THE EXTENSION OF THE LAST DESCRIBED COURSE, TO THE POINT OF INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF LOT 3 IN H.K. SUBDIVISION, AS RECORDED IN BOOK "S" OF PLATS, PAGE 4 1; THENCE SOUTHEASTERLY, ALONG SAID LINE EXTENDED, TO THE INTERSECTION OF THE SOUTHERLY BOUNDARY LINE OF SAID LOT 33; THENCE WESTERLY AND NORTHWESTERLY, ALONG THE BOUNDARY LINE OF SAID LOT 33 TO THE POINT OF BEGINNING, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS THEREON, AS DELINEATED, IN THE DECLARATION OF CONDOMINIUM RECORDED DECEMBER 8, 1988 AS DOCUMENT NO. 88009648, AND AS AMENDED FROM TIME TO TIME. (EXCEPTING THEREFROM UNIT "A" OF SAID HILLCREST CENTRE II CONDOMINIUM); AND

LOT 3 OF H.K. SUBDIVISION IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS (EXCEPTING THEREFROM THAT PORTION LYING NORTHWESTERLY OF THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 1 OF SAID SUBDIVISION) BEING A SUBDIVISION OF A PART OF THE SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 22, 1980, AS DOCUMENT NO. 80 03154, IN PLAT BOOK "S", PAGE 41, IN DEKALB COUNTY, ILLINOIS.

**EXHIBIT B**  
**(5-13-21 Site Plan)**



Date: 5-13-21

**EXHIBIT B**

**SUBJECT SITE**

**Parking Requirement:**  
14 (1) bedroom units x  
1.5 = 21 spaces  
3 (2) bedroom units x  
2.5 = 7.5 spaces  
18,000 sq. ft. - office =  
60 spaces  
**89 required parking  
spaces**  
**133 provided parking  
spaces**







2021007811

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 6/17/2021 10:21 AM  
REC FEE: 75.00

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

PAGES: 9

POOR ORIGINAL OR CONTAINS COLORED INK  
RECORDER NOT RESPONSIBLE  
FOR REPRODUCTION

**CERTIFICATION**

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

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

**ORDINANCE 2021-018**

**APPROVING A SPECIAL USE PERMIT FOR DWELLING UNITS ABOVE THE GROUND FLOOR AT 400 E. HILLCREST DRIVE AND 444 E. HILLCREST DRIVE, DEKALB, ILLINOIS (FOUR FORTY FOUR, LLC) AS IT PERTAINS TO THE ADDITION OF 17 APARTMENT UNITS.**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 24<sup>th</sup> day of May 2021.

**WITNESS** my hand and the official seal of said City this 15<sup>th</sup> day of June 2021.



**RUTH A. SCOTT**, Executive Assistant

**Prepared by and Return to:**

City of DeKalb  
City Manager's Office  
Attention: Ruth A. Scott  
164 E. Lincoln Highway  
DeKalb, Illinois 60115