

**AUTHORIZING AN AMENDMENT TO THE SPECIAL USE PERMIT APPROVED BY ORDINANCE 2020-044 IN ORDER TO EXTEND THE TIMEFRAME FOR A MODULAR CLASSROOM TO REMAIN ON THE SITE AT 1121 SCHOOL STREET, DEKALB, ILLINOIS (LITTLEJOHN ELEMENTARY SCHOOL).**

**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**, DeKalb Community School District 428 (the "Petitioner"), who is the owner of the property located at 1121 School Street, DeKalb, Illinois (the "Property"), petitioned the City to approve an amendment to the special use permit approved by Ordinance 2020-044 to extend the time for a modular classroom to remain on the Property to August 15, 2025 (the "Petition"); and

**WHEREAS**, on May 15, 2023, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Petition, made findings of fact, and recommend approving the Petition; and

**WHEREAS**, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and recommendation, find that approving the Petition is in the City's best interests for the protection of the public health, safety and welfare, and specifically find that the Petition satisfies the following standards:

**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.**

Littlejohn Elementary School has been located on the subject property since 1954. A special use permit was issued in 2001 and 2017 for a modular classroom. The City granted a three-year extension in 2020, which expires on June 22, 2023. The subject property is zoned "SFR2" Single-Family Residential, which requires a special use for public school buildings. The modular classroom will remain in its current location and meets all setbacks and other zoning requirements of the "SFR2" District and 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. An elementary school has existed on the site since 1954. A modular classroom was located on the site from 2001 to 2011 in approximately the same location. A modular classroom was re-established on the property in 2017 and has not been a detriment to the neighborhood. The nearest home to the modular classroom is about 160 feet away.

- 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 neighboring properties. The surrounding area is already developed with single-family residential

uses and the school has existed on the site since 1954. The modular classroom was previously located on the site for approximately 10 years from 2001 to 2011, and the current modular classroom has been on the property since 2017. The location of the modular classroom on the site has not dominated the immediate area and meets the UDO's requirements.

**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 and the modular classroom. The appropriate utilities are provided to the classroom and additional lighting was added to the area between the school building and modular classroom in 2017.

**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.**

A modular classroom has been located in the same place since 2017 and has operated in a manner that is compatible with the surrounding area. An annual inspection is conducted on the modular classroom and a Temporary Facility Permit is issued by the DeKalb County Regional Office of Education. The modular classroom will allow the school district to serve the educational needs of the community, which promotes the public health, safety and general welfare of the City.

**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:** This Ordinance is limited and restricted to the Property described as follows:

The property is commonly known as 1121 School Street, DeKalb, IL 60115, Parcel Identification Number (PIN) 08-14-453-037, and is shown on the attached and incorporated Exhibit B.

**SECTION 3:** The City's corporate authorities adopt and approve an amendment to Ordinance 2020-044 to extend the time frame for a modular classroom to remain on the Property, subject to the following condition:

1. The modular classroom may remain on the Property in the location shown on the attached and incorporated Exhibit A until August 15, 2025, and shall, on or before August 15, 2025, be removed from the Property and the surface beneath the modular classroom shall be restored to its pre-installation, grassed condition.

**SECTION 4:** The City's corporate authorities authorize and direct the City Manager or designee to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

**SECTION 5:** 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 6:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

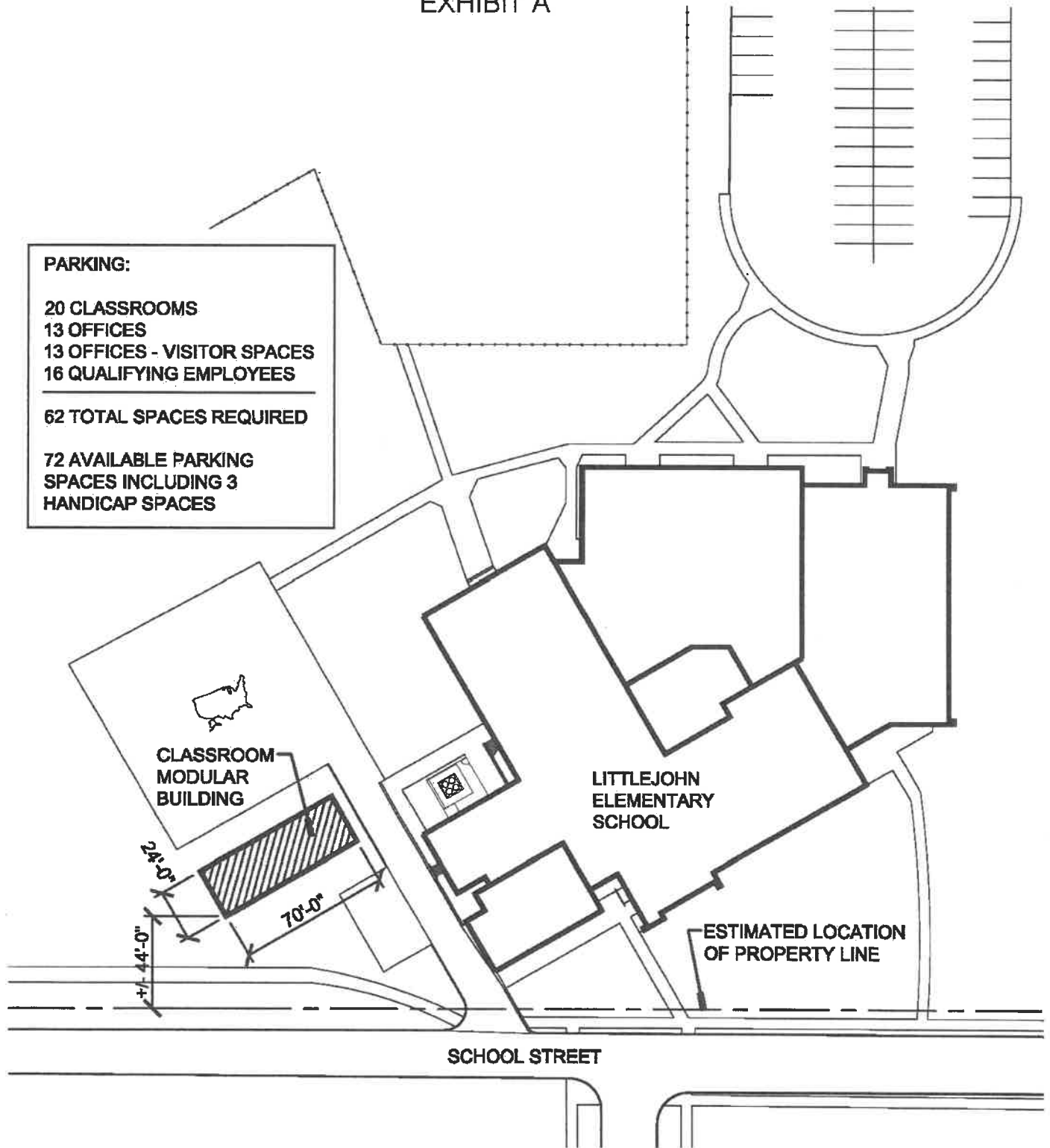
**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 22<sup>nd</sup> day of May 2023, and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay. None. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay. None.



  
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**COHEN BARNES, Mayor**

ATTEST:  
  
\_\_\_\_\_  
Ruth A. Scott, Executive Assistant

EXHIBIT A



1

PARTIAL SITE PLAN

SCALE: 1/64"=1'-0"



LITTLEJOHN ELEMENTARY SCHOOL  
MODULAR CLASSROOM  
DEKALB CUSD #428

 RICHARD L. JOHNSON  
ASSOCIATES | ARCHITECTS

JOB NO. 17-040

DATE: June 15, 2017

A2

EXHIBIT B





2023003498

**TASHA SIMS**

RECORDER - DEKALB COUNTY, IL

RECORDED: 5/24/2023 11:00 AM

REC FEE: 75.00

PAGES: 6

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

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 2023-0021**

**AUTHORIZING AN AMENDMENT TO THE SPECIAL USE PERMIT APPROVED BY ORDINANCE 2020-044 IN ORDER TO EXTEND THE TIMEFRAME FOR A MODULAR CLASSROOM TO REMAIN ON THE SITE AT 1121 SCHOOL STREET, DEKALB, ILLINOIS (LITTLEJOHN ELEMENTARY SCHOOL).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 22<sup>nd</sup> day of May 2023.

**WITNESS** my hand and the official seal of said City this 23<sup>rd</sup> day of May 2023.



**RUTH A. SCOTT**, Executive Assistant/Recording Secretary

**Prepared by and Return to:**

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