

APPROVING A SPECIAL USE PERMIT TO ALLOW THE RESUBDIVISION OF AN "TFR" TWO FAMILY RESIDENTIAL DISTRICT ZONED LOT INTO TWO SINGLE-FAMILY ATTACHED LOTS AND APPROVAL OF THE FINAL PLAT OF THE B&B RESUBDIVISION NO. ONE LOCATED AT 1304-1306 CHESTNUT STREET, DEKALB, ILLINOIS (BRADLEY BURNS).

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, Bradley Burns (the "Petitioner") is the owner of the property located at 1304-1306 Chestnut Street, DeKalb, Illinois 60115 (the "Property"); and

WHEREAS, Petitioner requested that the City approve the following: (1) a special use permit to allow the resubdivision of a "TFR" Two-Family District zoned lot into two single-family attached lots (the "Special Use"); and (2) a Final Plat of B&B Resubdivision No. One dated 8-14-23 attached and incorporated as Exhibit A (the "Resubdivision"); and

WHEREAS, on August 21, 2023, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on Petitioner's requests, made findings of fact, and recommend approving the Special Use and the Resubdivision; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving the Special Use and Resubdivision is in the City's best interests for the protection of the public health, safety and welfare, and further find that the Special Use and Resubdivision conform with the applicable factors 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 special use will comply with all regulations of the "TFR" Two-Family Residential District and the UDO. The proposed resubdivision would create two lots that will meet the 25-foot minimum lot width and minimum lot size requirement. Only one dwelling unit will be located on each lot, and the structure complies with the setback requirements for the "TFR" District.

- 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 "TFR" Two-Family District since 1993. The proposed special use is compatible with the residential uses found in the surrounding neighborhood, and there are other single-family attached lots (duplex) in the immediate area. The proposed resubdivision will not have a negative impact on the adjacent property values.

- 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 existing structure is in scale with the surrounding neighborhood, which includes a mix of single-family, two-family (duplex), and multi-family residential structures. No changes to the existing structure will result from the approval of the special use permit or the accompanying final plat.

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

The UDO requires that each dwelling unit must be serviced with its own water line, sanitary sewer line, sump pump line and all other utility lines and extensions. The two-family unit will be served by separate water and sanitary services extending from the water and sewer mains located along Chestnut St. Separate water lines already serve the two dwelling units.

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. It is in the public's interest to provide a variety of housing types to meet the needs of DeKalb's citizens. The approval of the special use permit would positively affect the health, safety, and welfare of the citizens of DeKalb as it would allow the ownership and occupancy of each separate unit, which is generally accepted as having a positive influence on the community. The two dwelling units will maintain compatible exterior colors, materials, and architecture.

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, which is legally described as follows:

LOT 58 OF THE KNOLLS AT PRAIRIE CREEK, P.U.D. II, BEING PART OF THE EAST 1/2 OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 24, 1993, IN BOOK "X" OF PLATS, PAGE 97 AS DOCUMENT NO. 93013339 IN DEKALB COUNTY, ILLINOIS.

Common Address: 1304-1306 Chestnut Street, DeKalb, IL 60115
Parcel Identification Number ("PIN"): 08-21-402-008.

SECTION 3: Subject to the conditions provided by Section 4 of this Ordinance, the City's corporate authorities grant Petitioner's request for the Special Use and Resubdivision and approve the following: (1) a special use permit to allow the resubdivision of a "TFR" Two-Family District zoned lot into two (2) Single-Family attached lots for the Property; and (2) the Final Plat of the B&B Resubdivision No. One dated 8-14-23 attached and incorporated Exhibit A.

SECTION 4: The approval of the Special Use and Resubdivision provided by Section 3 of this Ordinance is subject to and conditioned upon the following conditions:

1. The exterior of the two (2) dwelling units shall remain reasonably compatible in colors, materials, architectures, and aesthetics; and
2. Petitioner shall address all City staff comments regarding the Final Plat of Resubdivision to the satisfaction of City staff before recordation; and
3. Petitioner and all successor owner(s) of the Property shall comply with this Ordinance and the UDO.

SECTION 5: 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 6: 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 7: 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 28th day of August 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. Second Reading waived by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant



2023006037

TASHA SIMS

RECORDER - DEKALB COUNTY, IL

RECORDED: 8/30/2023 10:57 AM

REC FEE: 75.00

PAGES: 5

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

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 2023-034

APPROVING A SPECIAL USE PERMIT TO ALLOW THE RESUBDIVISION OF AN "TFR" TWO FAMILY RESIDENTIAL DISTRICT ZONED LOT INTO TWO SINGLE-FAMILY ATTACHED LOTS AND APPROVAL OF THE FINAL PLAT OF THE B&B RESUBDIVISION NO. ONE LOCATED AT 1304-1306 CHESTNUT STREET, DEKALB, ILLINOIS (BRADLEY BURNS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 28th day of August 2023.

WITNESS my hand and the official seal of said City this 30th day of August 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

2023007097

TASHA SIMS
RECORDER - DEKALB COUNTY, IL
RECORDED: 10/6/2023 10:41 AM
REC FEE: 95.00 RHSPS FEE: 18.00
PAGES: 2

"KEEP IN FILE"

Plat Cabinet 11
Slide # 63-B

B & B RESUBDIVISION NO. ONE

A RESUBDIVISION OF LOT 58 OF THE KNOLLS AT PRAIRIE CREEK, P.U.D., PHASE 2, BEING A SUBDIVISION OF A PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN.

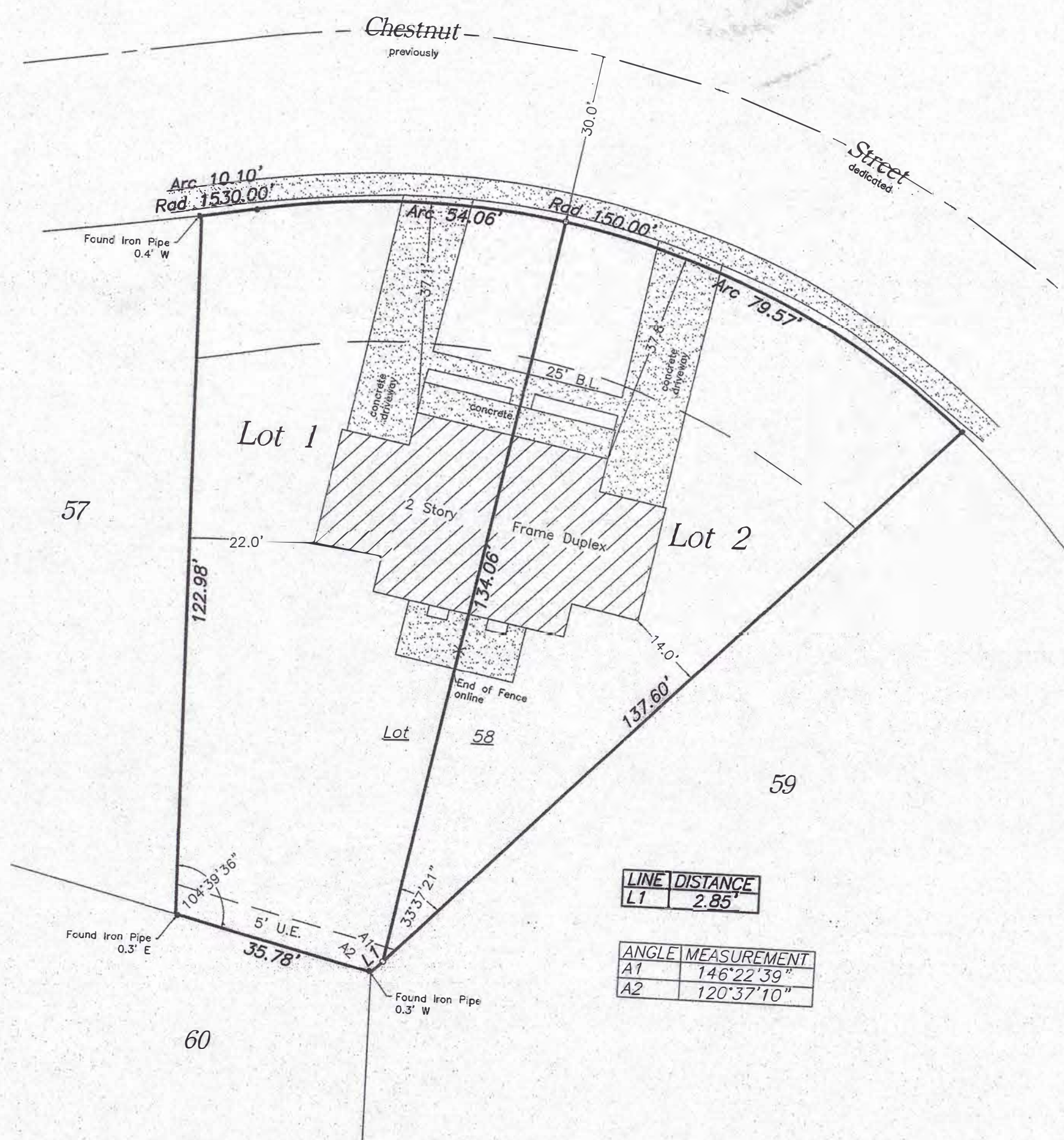
ADDRESS: 1304 & 1306 CHESTNUT STREET, DEKALB, ILLINOIS 60115
PIN: 08-21-402-008

AREA SUMMARY

LOT 1 CONTAINS 6,598 SQ. FT.
LOT 2 CONTAINS 5,383 SQ. FT.

==LEGEND==
• Boundary of property surveyed
○ Found iron pipe
U.E. Utility easement
B.L. Building line

EASEMENTS AND BUILDING SETBACK LINES ARE PER THE RECORDED PLAT OF THE KNOLLS AT PRAIRIE CREEK P.U.D., PHASE TWO, RECORDED IN BOOK "X" OF PLATS, PAGE 97, AS DOCUMENT NO. 93013338 DATED SEPTEMBER 24, 1993.



LINE	DISTANCE
L1	2.85

ANGLE	MEASUREMENT
A1	146°22'39"
A2	120°37'10"

CROSS EASEMENTS

THIS PROPERTY IS SUBJECT TO A DECLARATION OF CROSS EASEMENTS RECORDED WITH THIS PLAT ON THIS 6th DAY OF October, 2023 AS DOCUMENT NO. 2023007097. SAID DECLARATION REGULATES ALL COMMON WALL CONSTRUCTION AND MAINTENANCE OF COMMON UTILITY SERVICES. ONLY COMMON WALL CONSTRUCTION MAY OCCUR ALONG THE PROPERTY LINES BETWEEN LOTS 309 AND 310.

STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS IS TO CERTIFY THAT THE ATTACHED PLAT WAS APPROVED BY THE PLANNING COMMISSION OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS ON THIS 21st DAY OF August, 2023.

Max Maxwell
CHAIRMAN OF THE PLANNING AND ZONING COMMISSION



STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS IS TO CERTIFY THAT THE ATTACHED PLAT WAS APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS ON THIS 28th DAY OF August, 2023 (Ordinance 2023-034).

BY: Cohen Barns ATTEST: Ruth A. Scott
COHEN BARNs MAYOR EXECUTIVE ASSISTANT



STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS IS TO CERTIFY THAT BRADLEY R. BURNS IS THE OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE ATTACHED PLAT FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ADOPT THE SAME UNDER THE STYLE AND TITLE OF "B & B RESUBDIVISION NO. ONE" IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS AND TO THE BEST OF THEIR KNOWLEDGE AND BELIEF SAID PROPERTY IS WITHIN DEKALB COMMUNITY SCHOOL DISTRICT #428.

DATED AT DEKALB, ILLINOIS, THIS 5th DAY OF October, 2023.

Bradley R. Burns
BRADLEY R. BURNS
11530 DEERPATH ROAD,
SYCAMORE, IL 60178

STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

I, Russell E. Burns, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT BRADLEY R. BURNS WHO IS PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED IN THE FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THE ANNEXED PLAT AND ACCOMPANYING INSTRUMENT FOR THE USES AND PURPOSES THEREIN SET FORTH AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID PERSON.

GIVEN MY HAND AND NOTARIAL SEAL THIS 5th DAY OF October, 2023.

Russell E. Burns
NOTARY PUBLIC



COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

I, TASHA SIMS, COUNTY CLERK IN AND FOR DEKALB COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS AND HAVE FOUND NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AND PLATTED HEREON THIS 6 DAY OF OCTOBER, 2023.

Tasha Sims
TASHA SIMS
COUNTY CLERK



COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DEKALB COUNTY, AFORESAID ON THIS 6th DAY OF October, 2023, AT 10:41 O'CLOCK A.M. AND RECORDED IN PLAT CABINET 11, AT SLIDE NO. 63-B AS DOCUMENT NO. 2023007097.

Tasha Sims
TASHA SIMS
DEKALB COUNTY RECORDER



STATE OF ILLINOIS }
COUNTY OF DEKALB }SS

THIS IS TO CERTIFY THAT I LESLIE AARON DOOGS, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833, HAVE SURVEYED AND RESUBDIVIDED LOT 58 OF THE KNOLLS AT PRAIRIE CREEK, P.U.D., PHASE 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 24TH, 1993 IN BOOK "X" OF PLATS, PAGE 97, AS DOCUMENT NO. 93013338, IN DEKALB COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF, THAT THE PROPERTY HEREON DESCRIBED IS WITHIN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS AND SAID PROPERTY IS LOCATED IN ZONE "X" AS SET FORTH ON FLOOD INSURANCE RATE MAP NO. 17037C0242E, HAVING AN EFFECTIVE DATE OF JANUARY 2ND, 2009.

DATED AT DEKALB, ILLINOIS THIS 14TH DAY OF AUGUST, 2023.

L.A. Doogs
LESLIE AARON DOOGS
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3833
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2024



SCALE 1"=20'

FOR: RUSS BURNS
JOB NO. 16856

2023007097

11/63-B

JADE Hanna Surveyors
155 N 3rd Street
DeKalb, IL 60115
(815) 756-2189
Info@HannaSurveyors.com
License No. 184006622