

APPROVING A SPECIAL USE PERMIT FOR A PUBLIC ELEMENTARY SCHOOL AT 1240 NORMAL ROAD, DEKALB, ILLINOIS (DEKALB COMMUNITY UNIT SCHOOL DISTRICT NO. 428).

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 CUSD #428 (the "Petitioner") is the lessee of the property located at 1240 Normal Road, DeKalb, Illinois and legally described in the attached and incorporated Exhibit A (the "Property");

WHEREAS, Petitioner petitioned the City to approve a special use permit for an elementary school on the Property (the "Special Use Petition"); and

WHEREAS, on September 18, 2023, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Special Use Petition, made findings of fact, and recommended approving the Special Use Petition; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact and further find that: (1) approving the Special Use Petition for the Property is in the City's best interests for the protection of the public health, safety and welfare; and (2) the Special Use Petition conforms with the UDO's standards 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 "SFR2" Single-Family Residential 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. The site has been zoned residential for decades. The proposed use is compatible with the residential uses found in the surrounding neighborhood. The site and building have been used for educational purposes since 1974.

- 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 of the neighboring properties. Much of the surrounding area is already developed. The site has contained a school since 1974. The proposed school addition will be compatible with the surrounding area and in compliance with all UDO requirements. There are roadways surrounding the site that are adequate to handle traffic flow for buses and other vehicles.

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

Adequate public services and utilities are already provided to the Property or adjacent to the site. Stormwater detention basins will be provided on the eastern portion of the property. A sanitary sewer that runs through the middle of the site will be re-located and an eight (8) inch water main runs along Normal Road. Adequate parking is provided on the site per the UDO.

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 approval of the special use permit would positively affect the health, safety, and welfare of the citizens of DeKalb. The proposal meets the 2022 Comprehensive Plan land use recommendation and many of the goals of the Annie Glidden North Revitalization Plan. The elementary school will allow the school district to serve the educational needs of the neighborhood and 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 herein as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities grant the Special Use Petition and adopt and approve a special use permit for an elementary school on the Property as depicted on the Overall Layout Plan dated 10-4-23 attached and incorporated as Exhibit B, subject to and contingent upon the following conditions:

1. Prior to the issuance of a Site Development Permit, Petitioner shall submit the following plans for review and approval by the City: (1) Engineering plan including stormwater drainage calculations per the UDO's requirements; (2) Lighting plan per the UDO's requirements, and (3) Landscape and tree preservation plan per the UDO requirements; and
2. Petitioner and Petitioner's agents, successors, and assigns shall comply with this Ordinance, the UDO, the City's Municipal Code and applicable regulating the use, occupancy, maintenance, and taxation of the Property and an elementary school on the Property.

SECTION 3: The City's corporate authorities authorize and direct the City Manager and designee to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

SECTION 4: 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 5: 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 9th day of October 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.




COHEN BARNES, Mayor

ATTEST:

Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

SCHOOL LOT 104, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "Q", PAGE 68, AS DOCUMENT NO. 382094, IN DEKALB COUNTY, ILLINOIS.

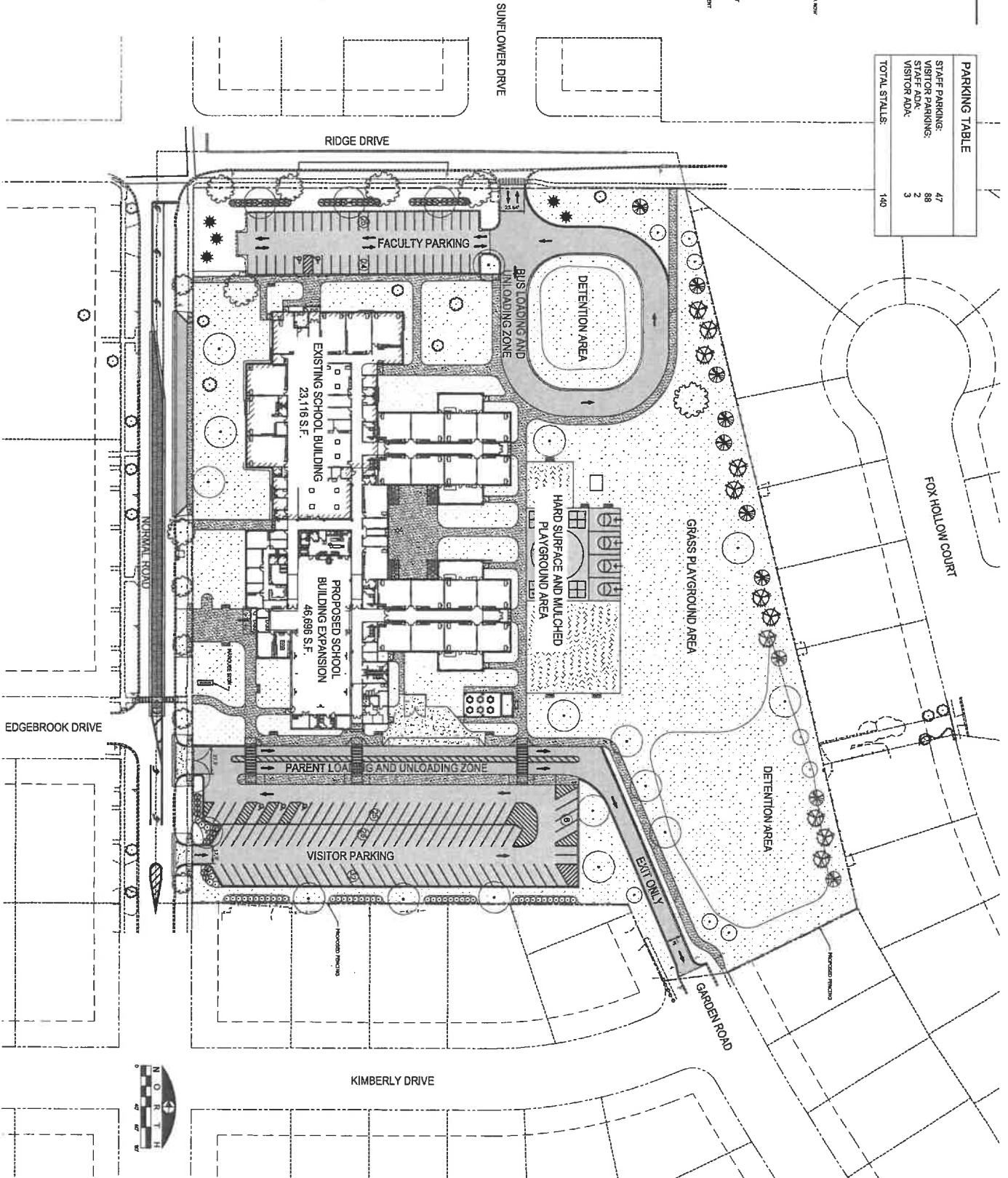
Common Address: 1240 Normal Road, DeKalb, IL 60115
Parcel Identification Number ("PIN"): 08-15-127-004.

LEGEND

- (Symbol) PROPOSED DRIVE
- (Symbol) PROPOSED EXISTING DRIVE
- (Symbol) EXISTING SIDEWALK
- (Symbol) EXISTING CURB LINE
- (Symbol) EXISTING SIDEWALK LINE
- (Symbol) EXISTING DRIVE AND DRIVE
- (Symbol) EXISTING DRIVE (EXISTING/PROPOSED)
- (Symbol) EXISTING DRIVE (EXISTING/PROPOSED)
- (Symbol) EXISTING DRIVE
- (Symbol) LIGHT POLE AND FIXTURE
- (Symbol) PROPOSED ADA PLAYING SPACE
- (Symbol) PROPOSED PLAYING SPACE BY A RW
- (Symbol) PROPOSED PLAYING STALLS
- (Symbol) PROPOSED CONCRETE SIDEWALK
- (Symbol) PROPOSED LIGHT CURB CONCRETE SIDEWALK
- (Symbol) PROPOSED PROPOSED CURB SIDEWALK
- (Symbol) PROPOSED VISITOR DRIVEWAY SIDEWALK
- (Symbol) PROPOSED PARKING SPACE
- (Symbol) PROPOSED DRIVEWAY

EXHIBIT B

| PARKING TABLE | |
|----------------------|------------|
| STAFF PARKING: | 47 |
| VISITOR PARKING: | 88 |
| STAFF ADA: | 2 |
| VISITOR ADA: | 3 |
| TOTAL STALLS: | 140 |



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|---------------------------|---|---|--|--|
| <p>C01 OF C01</p> | <p>PROJECT INFORMATION</p> <p>Date: September 14, 2023</p> <p>Rev. Date: October 04, 2023</p> <p>RLJA Proj: 2023-008</p> | <p>SHEET IDENTIFICATION</p> <p>OVERALL LAYOUT PLAN</p> | <p>RICHARD L. JOHNSON ASSOCIATES ARCHITECTS</p> | <p>ADDITION AND RENOVATIONS FOR NEW ELEMENTARY SCHOOL DEKALB CUSD #428 DEKALB, ILLINOIS</p> |
| | <p>North arrow pointing up and slightly right.</p> | | | |



2023007250

TASHA SIMS
RECORDER - DEKALB COUNTY, IL
RECORDED: 10/13/2023 11:22 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
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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 2023-043

APPROVING A SPECIAL USE PERMIT FOR A PUBLIC ELEMENTARY SCHOOL AT 1240 NORMAL ROAD, DEKALB, ILLINOIS (DEKALB COMMUNITY UNIT SCHOOL DISTRICT NO. 428).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 9th day of October 2023.

WITNESS my hand and the official seal of said City this 13th day of October 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