

APPROVING THE REZONING OF PROPERTY LOCATED AT 1209 PLEASANT STREET, DEKALB, ILLINOIS TO THE "RC-1" RESIDENTIAL CONSERVATION DISTRICT, APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A TWO-FAMILY DWELLING UNIT (DUPLEX), AND APPROVAL OF A MINOR SUBDIVISION PLAT (HABITAT FOR HUMANITY OF DEKALB COUNTY).

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, Habitat for Humanity of DeKalb County (the "Petitioner") is the owner of the property commonly known as 1209 Pleasant Street, DeKalb, Illinois and legally described in the attached and incorporated Exhibit A (the "Property"); and

WHEREAS, Petitioner filed a petition (the "Petition") with the City for the following zoning and subdivision approvals: (1) the rezoning of the Property from the "LC" Light Commercial District to the "RC-1" Residential Conservation District (the "Rezoning"), (2) a special use permit to allow the a two-family dwelling unit (duplex) to be constructed on the lot (the "Special Use Permit"), and (3) a minor subdivision plat dated 11-6-23 attached and incorporated as Exhibit B (the "Plat of Subdivision"); and

WHEREAS, on December 18, 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 recommended approving the 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 Petition is in the City's best interests for the protection of the public health, safety and welfare; and (2) the Rezoning and Special Use Permit conform with the applicable standards in the City's Unified Development Ordinance (the "UDO") as follows:

III.STANDARDS FOR ZONING MAP AMENDMENT

- 1. The proposed rezoning conforms to the Comprehensive Plan, or conditions have changed to warrant the need for different types of land uses in that area. The proposed rezoning is appropriate considering the length of time the property has been vacant, as originally zoned, and taking into account the surrounding areas trend in development.**

The 2022 Comprehensive Plan recommends the subject site for Medium Density Residential (4-8 du/ac). The proposed density of the lot will be 12.5 du/ac; however, the density is consistent with the other two-family and multi-family homes along Pleasant St. In addition, the new duplex meets the goals of the 2001 Pleasant Street Neighborhood Revitalization Plan, particularly the neighborhood appearance objectives. The subject site is adjacent to other two-family and multi-family residents and commercial land uses.

To the east of the Property is a two-family dwelling unit, and there are multi-family homes in the immediate area along Pleasant St. The adjacent commercial properties are more industrial with contractor's offices and some storage. The proposed "RC-1" zoning is appropriate for the site due to the "RC-1" zoning to the north and the other land uses along Pleasant St.

2. The proposed rezoning conforms to the intent and purpose of the Unified Development Ordinance.

The rezoning of the Property to the "RC-1" Residential Conservation District will better match the proposed use of the Property. The proposed rezoning and development will be in compliance with the UDO. The "RC-1" District requires a minimum front yard setback of 25 feet, a side yard setback of 5 feet and a rear yard setback of 30 feet. The site layout submitted by the applicant meets all required building setbacks. The construction of the duplex on the subject lot will help preserve and protect the surrounding residential neighborhood and will be consistent with the purpose and intent of the "RC-1" Residential Conservation District.

3. The proposed rezoning will not have a significantly detrimental effect on the long-range development of adjacent properties or adjacent land uses.

The proposed rezoning will not have a detrimental effect on the adjacent properties or land uses as it entitles the subject property to uses of the property that are complementary and compatible with the adjacent area. The proposed "RC-1" zoning fits into the surrounding neighborhood and is adjacent to existing "RC-1" zoning to the north of the subject lot.

4. The proposed rezoning constitutes an expansion of an existing zoning district that, due to the lack of undeveloped land, can no longer meet the demand for the intended land uses.

The subject property is currently zoned "LC" Light Commercial District. Rezoning the property to the "RC-1" Residential Conservation District will allow for the intended land use to be accommodated and is compatible with the surrounding area.

5. Adequate public facilities and services exist or can be provided.

Adequate public services and utilities are adjacent to the Property. The duplex will have separate water and sanitary sewer service to each dwelling unit. Required off-street parking for the duplex will be provided per the UDO. A single shared driveway cut is proposed to serve both dwelling units and the applicant will remove any damaged public sidewalk due to the proposed improvements.

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UDO

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

The rezoning of the subject property to the "RC-1" Residential Conservation District will better match the proposed use of the property. The proposed rezoning request and development will be in compliance with the UDO. The construction of the duplex on the subject lot will help preserve and protect the surrounding residential neighborhood and will be consistent with the purpose and intent of the "RC-1" Residential Conservation 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. In addition, the proposed special use will not have a negative impact on the adjacent property values. Construction of a new residential structure on the subject lot would add value to the surrounding area.

- 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. Much of the surrounding area is already developed. The proposed two-family dwelling unit (duplex) will be in scale with the surrounding neighborhood, which includes other two-family and multi-family units.

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

The proposed duplex will be served by separate utilities including separate water and sanitary services. The drainage for the lot will be directed to the front yard and will meet all UDO requirements.

- 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. In addition, it would allow the ownership and occupancy of each separate unit, which is generally accepted as having a positive influence on the community.

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: Subject to the conditions provided by Section 3 of this Ordinance, the City's corporate authorities grant the Petition as follows: (1) the Rezoning is granted and the City's "Official Zoning Map" shall be amended to depict the Property as located within the "RC-1" – Residential Conservation District"; (2) the Special Use Permit is granted to allow a two-family dwelling unit (duplex), and (3) the Plat of Subdivision is adopted and approved.

SECTION 3: The approval of the Petition provided by Section 2 of this Ordinance shall be subject to the following conditions:

1. The exterior of the two dwelling units shall remain compatible in relation to the colors, materials, and architecture;
2. Petitioner shall comply with all Staff comments regarding the Plat of Subdivision before the recording of the Plat of Subdivision; and

3. Petitioner and Petitioner's successors and assigns shall comply with all applicable laws, ordinances, regulations, and provisions of the City's Municipal Code, as may be amended from time to time, pertaining to the construction, development, maintenance, ownership, use, and taxation of the Property.

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 8th day of January 2024 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:

LOT "B" OF FRANK C PATTEN'S SUBDIVISION OF LOTS 11, 12, 13, AND 14 IN BLOCK 7 IN W.L. ELLWOOD'S ADDITION TO THE CITY OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "B" OF PLATS, PAGE 118 ON MARCH 21, 1893, SITUATED IN THE COUNTY OF DEKALB AND STATE OF ILLINOIS.

PIN: 08-23-229-022

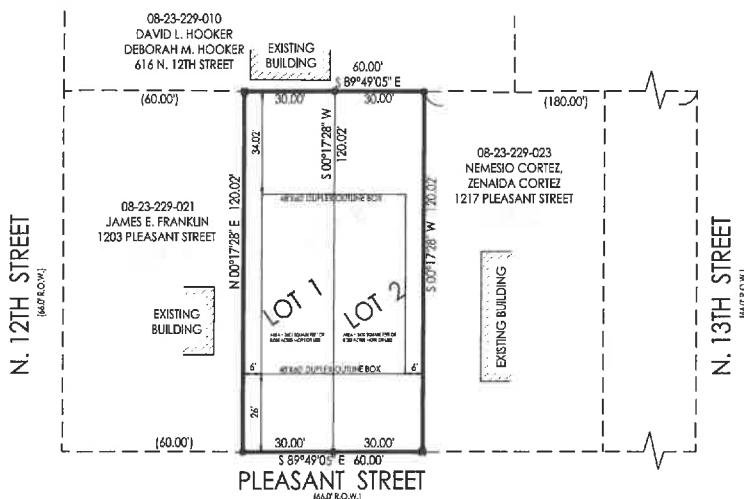
EXHIBIT B
(Plat of Subdivision)

EXHIBIT B

PRE-PLAT

HABITAT'S LOT B RESUBDIVISION

A RESUBDIVISION OF LOT "B" OF FRANK C. PATTEN'S SUBDIVISION OF LOTS 11, 12, 13 AND 14 IN BLOCK 7 IN W.L. ELLWOOD'S ADDITION TO THE CITY OF DEKALB, BEING A SUBDIVISION IN PART OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "B" OF PLATS, PAGE 118 ON MARCH 21, 1893, SITUATED IN THE COUNTY OF DEKALB AND STATE OF ILLINOIS.
#1209 PLEASANT STREET TOTAL AREA = 7201 SQUARE FEET OR 0.165 ACRES MORE OR LESS P.I.N. 08-23-229-022



COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DEKALB)
I, _____, COUNTY CLERK OF DEKALB COUNTY, ILLINOIS,
THIS _____ DAY OF _____, A.D., 2023,
AT _____ O'CLOCK _____
PLAT CAMBET, _____ SLIDE NO. _____
THIS INSTRUMENT NUMBER _____

TASHA SIMS - DEKALB COUNTY RECORDER

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DEKALB)
I, _____, AS COUNTY CLERK OF DEKALB COUNTY,
ILLINOIS DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO
UNPAID CURRENT GENERAL TAXES, NO UNPAID SPECIAL TAXES, NO
UNPAID FORFEITED TAXES AND NO PREFERABLE TAX SALES AGAINST ANY OF
THE PROPERTY DESCRIBED HEREON. GIVEN UNDER MY HAND AND SEAL
THIS _____ DAY OF _____, A.D., 2023.

TASHA SIMS - DEKALB COUNTY CLERK

OWNER'S CERTIFICATE

STATE OF _____)
COUNTY OF _____)

AS OWNER(S), WE HEREBY CERTIFY THAT WE HAVE CAUSED THE LAND
DESCRIBED HEREON TO BE RESUBDIVIDED AND MAPPED AS PRESENTED ON THIS
PLAT; WE FURTHER CERTIFY THAT THERE ARE NO DEBTS OR ENCUMBRANCES ON
THE PROPERTY CONTAINED IN THIS PLAT, AND TO THE BEST OF OUR
KNOWLEDGE AND BELIEF SAID PROPERTY IS WITHIN DEKALB COMMUNITY
SCHOOL DISTRICT #42B.

DATED THIS _____ DAY OF _____, A.D., 2023.

OWNER(S)

PRINT NAMES

OWNER'S NOTARY CERTIFICATE

STATE OF _____)
COUNTY OF _____)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY OF _____
IN THE STATE OF _____ DO HEREBY

CERTIFY THAT _____ PERSONALLY KNOWN TO ME
TO BE THE SAME PERSON(S) WHOSE NAME(S) ARE SUBSCRIBED TO THE
FORESHOWN INSTRUMENT, APPEARED BEFORE ME DAY BY PERSON AND
ACKNOWLEDGED THAT THEY SIGNED, SEALED AND DELIVERED SAID
INSTRUMENT AS THEIR FREE AND VOLUNTARY ACT FOR THE USES AND
PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIES SEAL
THIS _____ DAY OF _____, A.D., 2023.

NOTARY PUBLIC

CITY PLANNING AND ZONING COMMISSION'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT THE ATTACHED RESUBDIVISION PLAT WAS APPROVED BY THE PLANNING AND ZONING COMMISSION
OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

APPROVED THIS _____ DAY OF _____, A.D., 2023.

BY: _____
CHAIRMAN

ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT THE ATTACHED RESUBDIVISION PLAT WAS APPROVED
BY THE CITY ENGINEER OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

APPROVED THIS _____ DAY OF _____, A.D., 2023.

BY: _____
CITY ENGINEER

CITY COUNCIL'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT THE ATTACHED RESUBDIVISION PLAT IS APPROVED BY THE MAYOR
AND CITY COUNCIL OF THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

APPROVED THIS _____ DAY OF _____, A.D., 2023.

BY: _____ ATTEST: _____
MAYOR EXECUTIVE ASSISTANT

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF BOONE)

I, JEFFERSON J. BRAZAS, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY
THAT A PLAT OF SURVEY HAS BEEN MADE UNDER MY DIRECTION AND SUPERVISION OF
THE PROPERTY DESCRIBED ABOVE, AND THAT THE PLAT DRAWN HEREON IS A CORRECT
REPRESENTATION OF SAID SURVEY.
DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

DATED THIS 7TH DAY OF NOVEMBER, A.D., 2023.

FOR REVIEW

JEFFERSON J. BRAZAS
ILLINOIS PROFESSIONAL LAND SURVEYOR 43358
THIS PROFESSIONAL SERVICE CONFORMS WITH THE CURRENT
ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.



700 WEST LOCUST ST., BELLEVILLE, ILLINOIS 61808
PHONE: (815) 347-8433, FAX: (815) 344-0421
ILLINOIS DESIGN FIRM NO. 184-001260

CLIENT: HABITAT FOR HUMANITY OF DEKALB
CITY OF DEKALB, DEKALB COUNTY, ILLINOIS

DATE: 11-06-2023 DRAWN BY: JUB SHEET
PROJECT NUMBER: 5472 DWG: PRE-PLAT 1 OF 1

SYMBOL LEGEND

Set Concrete Monument ☐
Found Monumentation ☐
Set 5/8" Iron Rod ☒

NOTES:

1. THERE MAY BE UNDISCOVERED UTILITIES THAT ARE NOT SHOWN HEREON.
2. COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY DIFFERENCE TO THE SURVEYOR AT ONCE.
3. NO DIMENSIONS ARE TO BE ASSUMED BY SCALE MEASUREMENTS.
4. THIS PLAT OF SURVEY IS VOID WITHOUT THE SEAL AND ORIGINAL SIGNATURE OF THE SURVEYOR.



2024000243

TASHA SIMS

RECORDER - DEKALB COUNTY, IL

RECORDED: 1/10/2024 08:45 AM

REC FEE: 55.00

PAGES: 8

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 2024-003

APPROVING THE REZONING OF PROPERTY LOCATED AT 1209 PLEASANT STREET, DEKALB, ILLINOIS, TO THE "RC-1" RESIDENTIAL CONSERVATION DISTRICT, APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A TWO-FAMILY DWELLING UNIT (DUPLEX), AND APPROVAL OF A MINOR SUBDIVISION PLAT (HABITAT FOR HUMANITY OF DEKALB COUNTY).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 8th day of January 2024.

WITNESS my hand and the official seal of said City this 10th day of January 2024.

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