

**APPROVING THE REZONING OF PROPERTY LOCATED AT 530 CHARTER STREET, DEKALB, ILLINOIS, FROM THE “MFR1” MULTI-FAMILY RESIDENTIAL DISTRICT TO THE “SFR2” SINGLE-FAMILY RESIDENTIAL DISTRICT AND APPROVING A SPECIAL USE PERMIT FOR A “COMMUNITY RESIDENCE – LARGE” FACILITY (DEKALB COMMUNITY UNIT SCHOOL DISTRICT 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 Community Unit School District 428 (the “Petitioner”), is the lessee of the property commonly known as 530 Charter Street, DeKalb, Illinois, which is legally described in the attached and incorporated Exhibit A (the “Property”); and

**WHEREAS**, Petitioner requested that the City approve the following: (1) the rezoning of the Property from the “MFR1” Multi-Family Residential District to the “SFR2” Single-Family Residential District (the “Rezoning”); (2) a special use permit for a “Community Residence – Large” facility to accommodate the School District’s Transition Program (the “Special Use Permit”); and

**WHEREAS**, on February 20, 2024, 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 recommended approving the Rezoning and the Special Use Permit; 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 Rezoning and the Special Use Permit are 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:

#### **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 Commercial uses. The building on the property has existed for decades and is surrounded by single-family homes. In 1994, the site was rezoned to the “MFR1” Multiple-Family Residential District and a special use permit was approved for a childcare center. The structure was previously a church. The proposed “SFR2” classification is appropriate for the site and is consistent with the zoning in the surrounding area.

- 2. The proposed rezoning conforms to the intent and purpose of the UDO.**

The rezoning of the subject property to the “SFR2” Single Family Residential District will make it consistent with the zoning in the surrounding neighborhood. The applicant will be using the existing building and parking lot on the site. A “Community Residence – Large” facility is proposed which is a special use permit in the “SFR2” 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. The requested zoning of "SFR2" Single-Family Residential will match the zoning in the surrounding area. The surrounding area consists of single-family detached homes. A childcare center with more traffic and noise has operated on the site since 1994 and has not had a negative effect on adjacent properties.

**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 "MFR1" Multi-Family Residential District. Rezoning the property to "SFR2" Single-Family Residential District will allow it to be compatible with the zoning in the surrounding area.

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

Adequate public services and utilities are already provided to the subject property. There is a parking lot in the rear yard that is adequate and will accommodate the necessary parking for the proposed use.

**STANDARDS OF A SPECIAL USE**

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

The Special Use Permit 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 property values. The site has contained a childcare center since 1994 and has not negatively affected the property values in the neighborhood. When compared to a childcare center, the proposed special use will generate less traffic and noise.

**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 neighboring properties. Much of the surrounding area is already developed. The site has contained a childcare center since 1994.

**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 subject property. There is a parking lot in the rear yard that is adequate to accommodate the necessary parking for the proposed special use.

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.**

The proposed special use will not be detrimental to the permitted uses in the "SFR2" District. It's in the public's interest to provide a variety of educational services to its residents. The proposed condition requiring a six (6) foot high privacy fence along the south lot line should limit any potential detriment to the surrounding residential neighborhood.

**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:** The City's corporate authorities adopt and approve the Rezoning. The City's "Official Zoning Map" shall be amended to depict the Property as located within the "SFR2" – Single-Family Residential District “.

**SECTION 3:** The City's corporate authorities adopt and approve the Special Use Permit to allow a "Community Residence – Large" facility per the Site Plan attached and incorporated as Exhibit B (the "Site Plan), subject to the following conditions:

1. Petitioner shall construct a 6-foot-high privacy fence along the south lot line of the Property before occupying the structure on the Property in compliance with the City's UDO and Building Code and pursuant to the approval of the City's Chief Building Official.
2. Before occupying the structure on the Property, Petitioner shall conform the parking lot to the UDO's current standards including, but not limited to, striping and handicap accessible spaces with associated signage.
3. Petitioner shall not allow overnight stays on the Property.
4. Petitioner shall not allow more than 13 students to be enrolled in the transition program and on the Property.
5. Upon the issuance of an occupancy permit for the Community Residence on the Property, the special use permit for a childcare center on the Property that was granted by Ordinance 1994-136 shall terminate, and Ordinance 1994-136 shall be rescinded in its entirety without further action by the City Council.

**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 26<sup>th</sup> day of February 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: Walker. Second Reading waived by a 7-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: Walker.



  
COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

**EXHIBIT A**  
**(LEGAL DESCRIPTION OF THE PROPERTY)**

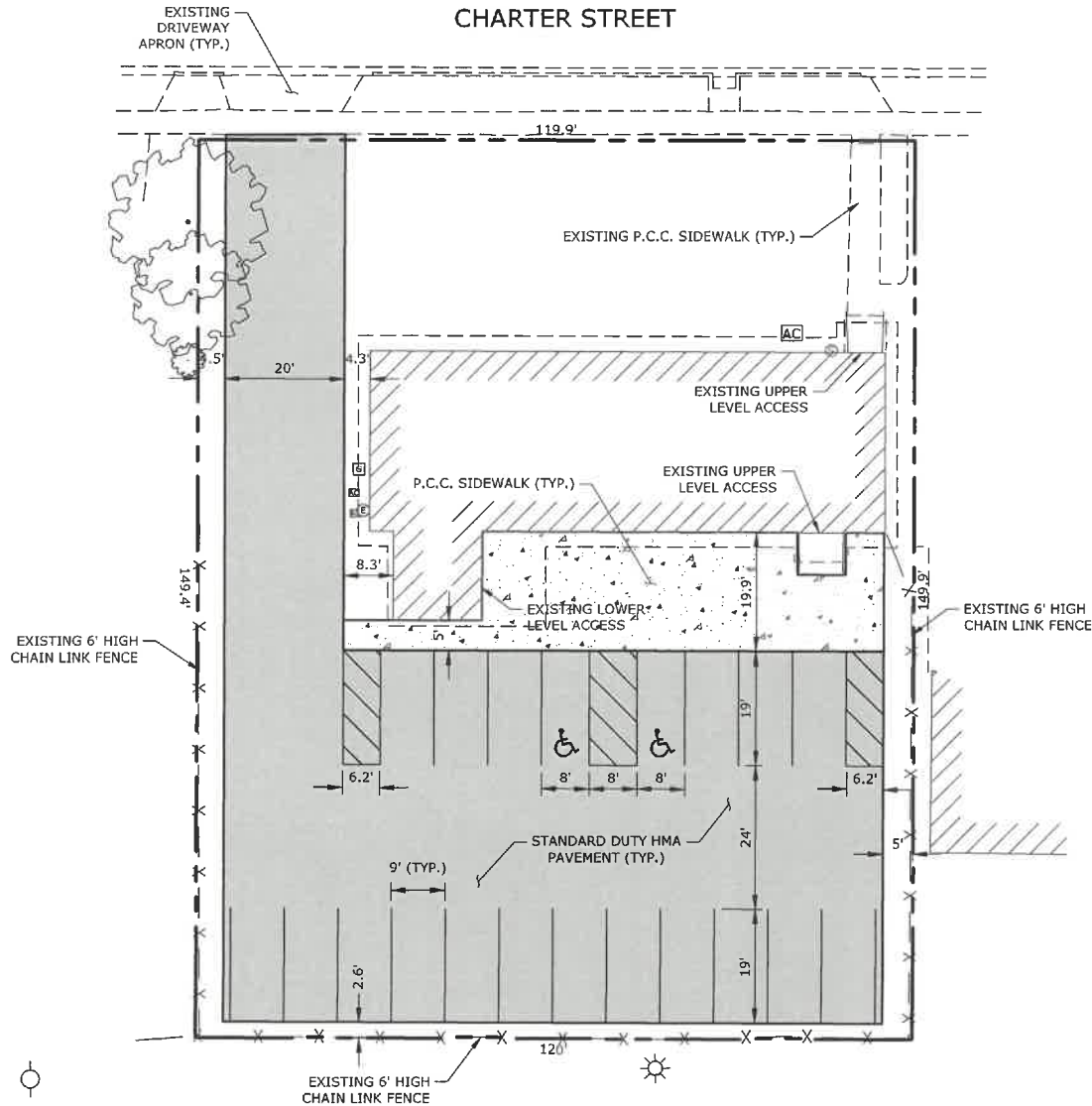
LOTS 1 AND 2 IN SHOOP'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 6, 1956, AS DOCUMENT NUMBER 283532, IN PLAT BOOK "J", PAGE 28, AND AMENDMENT TO PLAT RECORDED OCTOBER 30, 1959 AS DOCUMENT NUMBER 298148, BEING A RESUBDIVISION OF A PART OF BLOCK 11 IN MARTIN BROS. AND GALTS' SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.

PROPERTY ADDRESS: 530 CHARTER STREET, DEKALB, ILLINOIS

PIN: 08-26-157-012

# EXHIBIT B

CHARTER STREET



530 CHARTER STREET  
DEKALB, IL 60115

REZONING SITE  
PLAN EXHIBIT

**ARC DESIGN**  
RESOURCES INC.

5201 ZENITH PARKWAY  
LOVES PARK, IL 61111  
VOICE: (815) 484-4300  
FAX: (815) 484-4303

www.arcdesign.com  
Design Firm License No. 184-001334

PROJECT NUMBER  
SHEET NUMBER

24012

EXHIBIT B



2024001522

**TASHA SIMS**  
**RECORDER - DEKALB COUNTY, IL**  
**RECORDED: 3/4/2024 03:40 PM**  
**REC FEE: 55.00**  
**PAGES: 7**

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 2024-016**

**APPROVING THE REZONING OF PROPERTY LOCATED AT 530 CHARTER STREET FROM THE "MFR1" MULTI-FAMILY RESIDENTIAL DISTRICT TO THE "SFR2" SINGLE-FAMILY RESIDENTIAL DISTRICT AND APPROVING A SPECIAL USE PERMIT FOR A "COMMUNITY RESIDENCE - LARGE" FACILITY (DEKALB COMMUNITY UNIT SCHOOL DISTRICT 428).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 26<sup>th</sup> day of February 2024.

**WITNESS** my hand and the official seal of said City this 4<sup>th</sup> day of March 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