

APPROVING A SPECIAL USE PERMIT FOR A FOUR-UNIT APARTMENT BUILDING AT 1015 MARKET STREET, DEKALB, ILLINOIS (LEGEND RESTORATION).

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, the property located at 1015 Market Street, DeKalb, Illinois is legally described in the attached and incorporated Exhibit A (the "Property"); and

WHEREAS, Sam Wong is the owner of the Property (the "Owner") and Legend Restoration is the intended developer of the Property (the "Developer"); and

WHEREAS, the Owner and the Developer (collectively, the "Applicant") applied for a special use permit (the "Special Use") to develop and use the Property for a 4-unit apartment building multi-family dwelling unit per the site plan and building elevations attached and incorporated as Exhibit B (the "Plans"); and

WHEREAS, on December 2, 2024, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Special Use, made findings of fact, and recommended approving the Special Use; and

WHEREAS, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving the Special Use is in the City's best interest for the protection of the public health, safety and welfare, and specifically find that the Special Use conforms with the applicable standards in the City's Unified Development Ordinance (the "UDO") as follows:

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 proposed special use will comply with all regulations of the "RC-1" Residential Conservation District and the UDO, except the minimum lot area. The Applicant has applied for a variance for the minimum lot area.

- 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 "RC-1" Residential Conservation District since 2007, when the District was created. The subject lot previously contained a home and small commercial building, which were demolished in 2017. There is a mix of land uses in the surrounding neighborhood including single-family, two-family and multi-family residential as well as commercial and industrial uses.

- 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 surrounding area is already developed with a variety of uses, including single-family, two-family and multi-family residential as well as commercial and industrial uses. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood.

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 site. Parking spaces accommodating the four (4) apartment units will be located at the rear of the property.

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 permit will not be detrimental to the permitted developments and uses in the surrounding area. The neighborhood includes single-family, two-family and multi-family dwelling units. In addition, there are commercial and industrial uses in the adjacent area. The proposed building will occupy a vacant lot, provide additional housing, add value to the neighborhood and will increase the property tax base.

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 approve a special use permit for multi-family dwelling units in the RC-1 Residential Conservation District to accommodate a 4-unit apartment building for the Property located at 1015 Market St. in accordance with the Plans, subject to and contingent upon Applicant's compliance with the City's Municipal Code and applicable laws, regulations, and ordinances relating to the use, construction, development, maintenance, and ownership of the Property.

SECTION 3: 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 December 2024 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker,

Barnes. Nay: None. Absent: Zasada. Second Reading waived by a 7-0-1 roll call vote. Aye: Larson, Smith, Perkins, Powell, Verbic, Walker, Barnes. Nay: None. Absent: Zasada.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

Lot 8 and the West Half of Lot 9 in Block 10 of Gilson's Addition to the Original Village (now City) of DeKalb, situated in the County of DeKalb and the State of Illinois.

Property Address: 1015 Market St., DeKalb, IL 60115
PIN: 08-23-256-011

EXHIBIT B
(The Plans)

4

3

EXHIBIT B

2

1

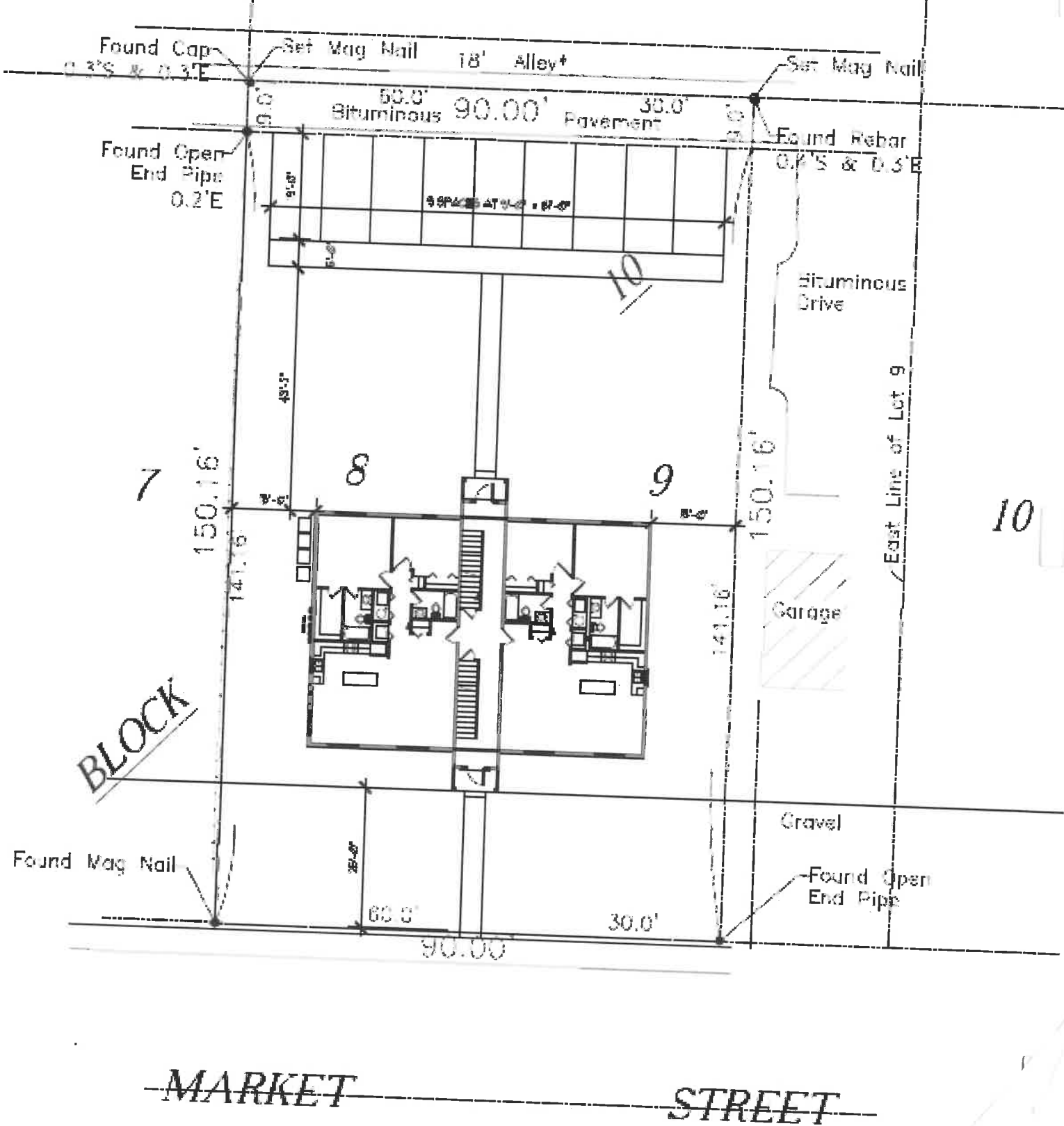
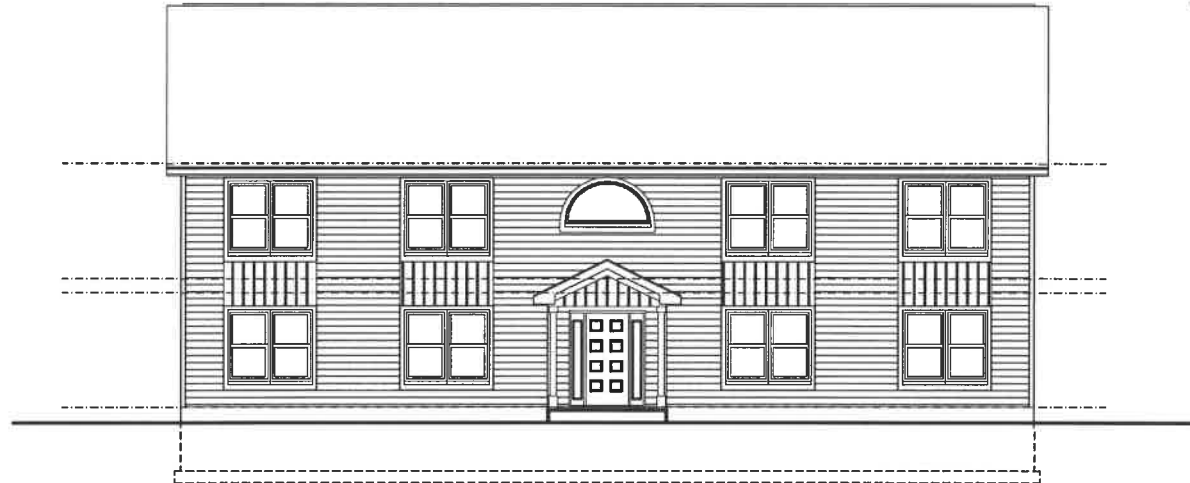
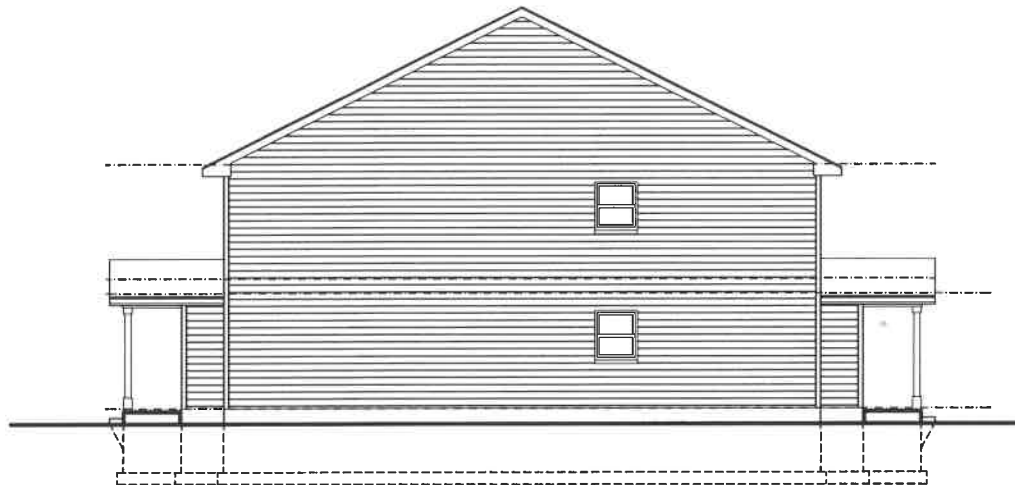


EXHIBIT B

ISSUED FOR:	
PERMIT & CONSTRUCTION	DATE



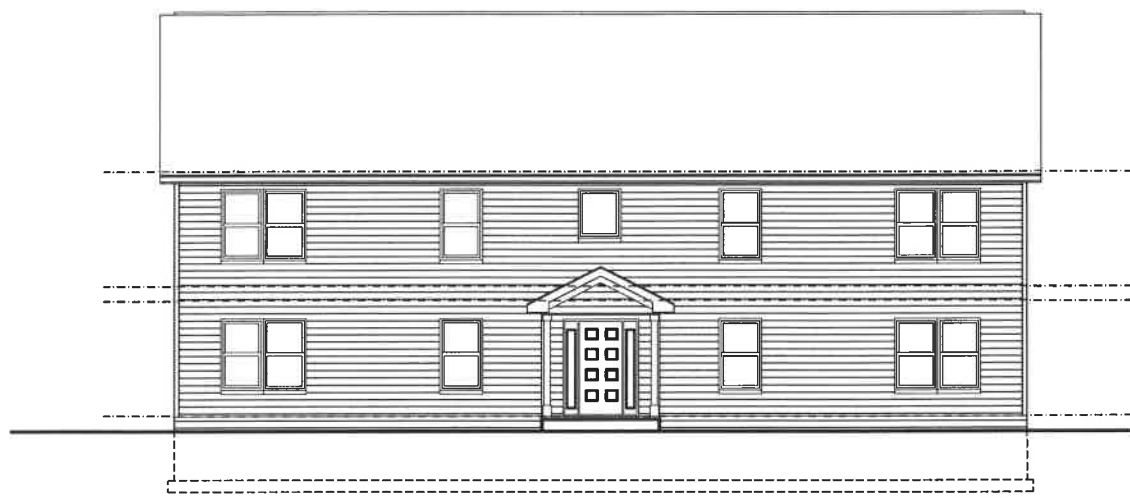
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



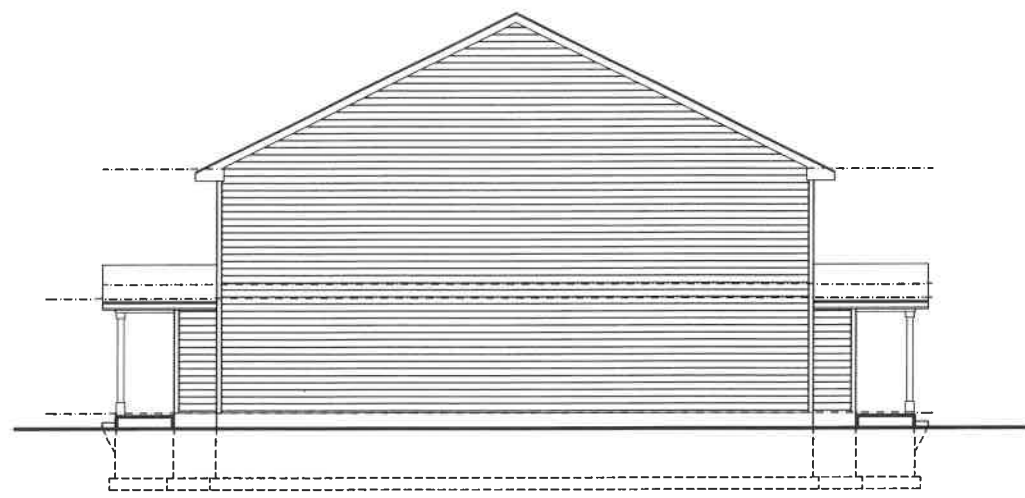
2 EAST ELEVATION
SCALE: 1/4" = 1'-0"

4 UNIT BUILDING
MARKET ST. AREA
WALL SECTIONS & DETAILS
EXHIBIT A
A1

ISSUED FOR	
PERMIT & CONSTRUCTION	REVISION



1 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"

1	4 UNIT BUILDING
2	MARKET ST. REAR
3	WALL SECTIONS & DETAILS
4	SECTION
5	A2