



2019011234

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 12/5/2019 09:05 AM
REC FEE: 75.00

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

PAGES: 9

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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 2019-083

**AUTHORIZING A ZONING MAP AMENDMENT FROM THE
“GC” GENERAL COMMERCIAL DISTRICT TO THE “PD-C”
PLANNED DEVELOPMENT COMMERCIAL DISTRICT TO
ALLOW FOR A VIDEO GAMING ESTABLISHMENT AT 1704
SYCAMORE ROAD (DEKALB-HARLEM, LLC).**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 25th day of November 2019. The original document will be kept on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 4th day of December 2019.

RUTH A. SCOTT, Executive Assistant

Prepared by and Return to:

City of DeKalb
City Manager’s Office
Attention: Ruth A. Scott
200 S. Fourth Street
DeKalb, Illinois 60115



AUTHORIZING A ZONING MAP AMENDMENT FROM THE "GC" GENERAL COMMERCIAL DISTRICT TO THE "PD-C" PLANNED DEVELOPMENT COMMERCIAL DISTRICT TO ALLOW FOR A VIDEO GAMING ESTABLISHMENT AT 1704 SYCAMORE ROAD (DEKALB-HARLEM, LLC).

WHEREAS, the City of DeKalb is a home rule municipality with the power and authority conferred upon it by the Illinois Municipal Code and the Constitution of the State of Illinois; and

WHEREAS, DeKalb-Harlem, LLC, represented by Tim Muldowney (herein referred to as "Petitioner"), the owner of property located at 1704 Sycamore Road, DeKalb, Illinois (herein referred to as "Subject Property"), legally described as set forth in Exhibit A, has petitioned the City of DeKalb for approval of a rezoning for a video gaming establishment and to allow a video gaming establishment to be located within 500 feet of another establishment; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on November 6, 2019; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for the rezoning for a video gaming establishment for the Subject Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

WHEREAS, the City Council has reviewed and adopts the following findings of fact of the Planning and Zoning Commission of the City of DeKalb, finds that approval of the rezoning for the Subject Property is in the public interest and promotes the public health, safety and welfare, and specifically finds that the proposed special use permit is in conformance with the applicable factors contained therein as follows:

STANDARDS OF A REZONING – ARTICLE 20.04.04(2) OF THE UNIFIED DEVELOPMENT ORDINANCE

- 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 2005 Comprehensive Plan recommends the subject site for Commercial uses. Re-zoning of the subject site to the PD-C District will allow the establishment to comply with the regulations of the UDO except for having a video gaming establishment within 500 feet of another one. An existing video gaming establishment is located at 1792 Sycamore Road and is approximately 465 feet away, just under the 500-foot minimum. The exception to the setback is justified due to the fact Lacey's Place had a liquor and video gaming license previously, however, they did not open. The allowance for video

gaming at Lacey's Place will keep the number of stand-alone video gaming establishments at 10, which the City Council has authorized.

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

The proposed video gaming establishment will comply with all regulations of the "PD-C" Planned Development Commercial District and the UDO, except for slight reduction of the minimum separation requirement between video gaming establishments.

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. The site has been zoned commercial for decades and is in proximity to a variety of other commercial uses. The proposed video gaming establishment 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 commercial uses along Sycamore and Dresser Roads and single-family residential to the east.

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 proposed for "PD-C" Planned Development –Commercial zoning. The "PD-C" District will allow the property to be used for uses that will be compatible with the surrounding area and consistent with the Comprehensive Plan recommendations.

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

Adequate public services are already provided to the subject site.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

SECTION 1: The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.

SECTION 2: This Ordinance is limited and restricted to Petitioner's proposed use of the Subject Property as represented to the City Council and the City's Planning and Zoning Commission, and the Subject Property legally described in Exhibit A.

SECTION 3: A rezoning for a video gaming establishment is hereby approved on the Subject Property subject to the following conditions:

1. The video gaming establishment shall only be allowed to operate in an approximate 2,000 square foot tenant location as shown on the aerial image and floor plan labeled as Exhibit B.
2. The applicant must obtain a City issued liquor license for the subject site with supplemental licensure for video gaming as required in [Ordinance 2019-038](#).
3. The video gaming use shall comply with all State rules and regulations that are now or in the future applicable to the use and operation of video gaming terminals.
4. Development of the subject site shall be per the "PD-C" Planned Development – Commercial District standards and the UDO except for the waivers as provided:
 - a. Article 7.20.01 to allow a video gaming establishment to operate within 500 feet of another video gaming establishment (Charley's Video Gaming located at 1792 Sycamore Road).
5. Any provisions not covered by the "PD-C" District regulations shall refer to the "GC" General Commercial District regulations.

SECTION 4: All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

SECTION 5: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

SECTION 6: That all provisions of the UDO shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk, or designee, shall record a copy of this Ordinance included herein after execution of this Ordinance.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 25th day of November 2019 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Faivre, Mayor Smith. Nay: None. Absent: Verbic. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Faivre, Mayor Smith. Nay: None. Absent: Verbic.

ATTEST:

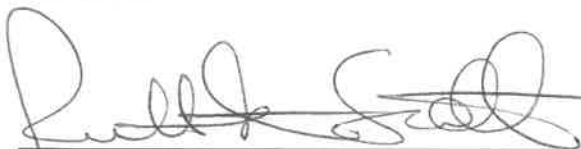

Ruth A. Scott



EXHIBIT A

Lots H, J, K, L and G in DeKalb Shopping Center Subdivision, as recorded in Book "L" of Plats, Page 15, as Document No. 299364, in DeKalb County, Illinois, EXCEPTING THEREFROM THE FOLLOWING:

That part of Lot G described as follows: Commencing at the most Southerly corner of Lot E of the DeKalb Shopping Center Subdivision recorded in Book "L" of Plats, Page 15; thence Southeasterly along the most Southwesterly line of said Lot G for a distance of 19.0 feet; thence Northeasterly along a line parallel with the Southeasterly line of said Lot E for a distance of 140.0 feet to its intersection with an extension of the Northeasterly line of said Lot E; thence Northwesterly along a line parallel with the Southwesterly line of said Lot G for a distance of 19.0 feet to the Northeasterly corner of said Lot E; thence Southwesterly along the Southeasterly line of said Lot E for a distance of 140.0 feet to the point of beginning, all as per the Plat of DeKalb Shopping Center Subdivision recorded in Book "L" of Plats, Page 15, as Document Number 299364, in DeKalb County, Illinois, ALSO EXCEPTING THEREFROM THE FOLLOWING: That part of Lot "L" in DeKalb Shopping Center Subdivision, as recorded in Book "L" of Plats, Page 15, described as follows: Beginning at the Southerly corner of Lot "M" of said DeKalb Shopping Center Subdivision; thence Northeasterly, along the Southeasterly line of said Lot "M" to the Easterly corner thereof; thence Northwesterly, along the Northeasterly line of said Lot "M" to the Southeasterly line of Sycamore Road; thence Northeasterly, along said Southeasterly line, 40.0 Feet; thence Southeasterly, parallel with said Northeasterly line, 139.76 feet to a line that is parallel with and 35.0 feet Southeasterly of the said Southeasterly line of said Lot "M"; thence Southwesterly, parallel with said Southeasterly line, 184.26 feet to the Northeasterly line of Dresser Rd; thence Northwesterly, along said Northeasterly line, 35.33 feet to the point of beginning, all in the City of DeKalb, DeKalb, County, State of Illinois:

ALSO,

Lot F and that part of Lot B as per the Plat of DeKalb Shopping Center Subdivision recorded in Book "L" of Plats, Page 15, as Document Number 299364, situated in DeKalb County, Illinois, described as follows: Commencing at the most Northerly corner of said Lot B; thence Southwesterly along the Northwesterly line of said Lot B to the most Westerly corner of said Lot B; thence Southeasterly along the Southwesterly line of said Lot B, a distance of 57.0 Feet; thence Northeasterly along a line parallel with the Northwesterly line of said Lot B to the Northeasterly line of said Lot B; thence Northwesterly along the Northeasterly lines of said Lot B to the point of beginning (excepting therefrom the following: A strip of land described as follows; Commencing at the most Northerly corner of said Lot B; thence Southwesterly along said Northeasterly line, a distance of 20.8 feet; thence Southeasterly along a line parallel with said Northeasterly line, a distance of 31.5 feet to an angle point; thence Southeasterly along a line parallel with feet Southwesterly of (as measured along the Southeasterly line of the premises first hereinabove described) the Northeasterly line of said Lot B; thence Northeasterly along a line parallel with the Northwesterly line of said Lot B, a distance of 20.8 feet to the Northeasterly line of said Lot B; thence Northwesterly along the Northeasterly lines of said Lot B to the point of beginning:

EXCEPTING THEREFROM:

Lot J of the DeKalb Shopping Center Subdivision, according to the Plat thereof in Book "L" of Plats, Page 15, as Document Number 299364, all in the City of DeKalb, DeKalb County, State of Illinois,

ALSO EXCEPTING THEREFROM:

That part of Lots F, L and K of the DeKalb Shopping Center Subdivision, according to the Plat thereof recorded in Book "L" of Plats, Page 15, as Document Number 299364, described as follows: Beginning at the most Easterly corner of said Lot J; thence Southeasterly, along the Northeasterly line of said Lot F, 52.80 Feet; thence Southwesterly, at angle of 106 degrees 03' 31" measured counterclockwise from said Northeasterly line, 146.88 feet to the Southwesterly line of said Lot F; thence Northwesterly, at an angle of 89 degrees 53' 52", measured counterclockwise from the last described course, 48.0 feet; thence Southwesterly, at right angle to the last described course, 65.0 feet; thence Northwesterly, at right angle to the last described course, 106.72 feet to the Northwesterly line of said Lot L; thence Northeasterly at an angle of 89 degrees 14' 26", measured counterclockwise from the last described course, along said Northwesterly line and along the Northwesterly line of said Lot K, 65.01 feet to the Southwesterly corner of said Lot J; thence Southeasterly, at an angle of 90 degrees 45' 34", measured counterclockwise from the Northwesterly line, along the Southwesterly line of said Lot J, 102.65 feet to the Southeasterly corner of said Lot J; thence Northeasterly, at an angle of 90 degrees 03' 50", measured clockwise from said Southwesterly line, 161.39 feet to the point of beginning, all in the City of DeKalb, DeKalb County and State of Illinois.

ALSO,

LOT "M" IN DEKALB SHOPPING CENTER SUBDIVISION IN THE CITY OF DEKALB, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "L" OF PLATS, PAGE 15, SITUATED IN DEKALB COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THAT PART OF THE NORTHEAST QUARTER (1/4) OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY, S.B.I ROUTE 23, LYING UPON AND ACROSS SAID NORTHEAST QUARTER (1/4) OF SECTION 14, AND A LINE PARALLEL TO AND 70 FEET FROM (AS MEASURED AT RIGHT ANGLE) THE NORTHEASTERLY LINE OF LOT "N" OF GURLER'S SUBDIVISION, A SUBDIVISION OF PART OF SECTIONS 13, 14 AND 24, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 6, IN THE DEKALB COUNTY RECORDER'S OFFICE: THENCE NORTHEASTERLY, ALONG A CURVE, THE RADIUS OF WHICH IS 9489.34 FEET, A DISTANCE OF 125.01 FEET, THE CHORD TO SAID PORTION OF THE CURVE BEING 125 FEET IN LENGTH; THENCE SOUTHEASTERLY, AT AN ANGLE OF 90°, MEASURED COUNTERCLOCKWISE FROM THE SAID CHORD OF THE CURVE, A DISTANCE OF 105 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 90°, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 139.4 FEET TO A POINT ON THE SAID LINE WHICH IS PARALLEL TO AND 70 FEET NORTHEASTERLY OF THE SAID NORTHEAST LINE OF LOT "N" OF GURLER'S

SUBDIVISION; THENCE NORTHWESTERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 106.0 FEET TO THE POINT OF BEGINNING.

THAT PART OF LOT "L" IN DEKALB SHOPPING CENTER SUBDIVISION, AS RECORDED IN BOOK "L" OF PLATS, PAGE 15; DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERLY CORNER OF LOT "M" OF SAID DEKALB SHOPPING CENTER SUBDIVISION; THENCE NORTHEASTERLY, ALONG THE SOUTHEASTERLY LINE OF SAID LOT "M" TO THE EASTERLY CORNER THEREOF; THENCE NORTHWESTERLY, ALONG THE NORTHEASTERLY LINE OF SAID LOT "M" TO THE SOUTHEASTERLY LINE OF SYCAMORE ROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTHEASTERLY LINE, 5.0 FEET; THENCE SOUTHEASTERLY, PARALLEL WITH SAID NORTHEASTERLY LINE 139.96 FEET TO A LINE THAT IS PARALLEL WITH AND 34.42 FEET SOUTHEASTERLY OF THE SAID SOUTHEASTERLY LINE OF SAID LOT "M"; THENCE S 45°90'37" w 148.52 FEET TO THE NORTHEASTERLY LINE OF DRESSER ROAD; THENCE NORTHWESTERLY, ALONG SAID NORTHEASTERLY LINE, 35.33 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.



EXHIBIT B

