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DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

RECORDED: 3/11/2020 11:06 AM REC FEE: 75.00

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

PAGES: 5

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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 2020-014

APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A DRIVE-THROUGH IN CONJUNCTION WITH A COFFEE AND ICE CREAM SHOP TO BE LOCATED AT 1406 SYCAMORE ROAD, DEKALB, ILLINOIS (JIM MASON- JLAR, LLC).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 9th day of March 2020.

WITNESS my hand and the official seal of said City this 10th day of March 2020.

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 APPROVING A SPECIAL USE PERMIT TO ALLOW FOR A DRIVE-THROUGH IN CONJUNCTION WITH A COFFEE AND ICE CREAM SHOP TO BE LOCATED AT 1406 SYCAMORE ROAD, DEKALB.

PASSED: MARCH 9, 2020

ILLINOIS (JIM MASON- JLAR, LLC).

WHEREAS, the City of DeKalb (the "City") is a home rule municipality with the power and authority conferred upon it by the Illinois Constitution; and,

WHEREAS, JLAR Illinois, LLC (herein referred to as "Petitioner"), has petitioned the City for approval of a special use permit to allow a drive-through to be located in a proposed coffee and ice cream shop located at 1406 Sycamore Rd, Suite D, DeKalb, Illinois (herein referred to as "Subject Property"),

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the City's Planning and Zoning Commission on February 19, 2020; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the City's Planning and Zoning Commission for the special use permit 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 the proposed special use permit is in conformance with the applicable factors contained therein, and finds that approval of the special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare;

STANDARDS OF A SPECIAL USE - ARTICLE 14.03.05 (2) OF THE UNIFIED DEVELOPMENT ORDINANCE

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

The proposed drive-through will comply with all regulations of the "GC" General Commercial District and the Unified Development Ordinance (UDO). Vehicle stacking is provided for the drive-through and adequate parking is already provided on the site per the UDO requirements. Pavement markings and directional signage will be added to make sure the drive-through operates appropriately and safely for the customers of the coffee and ice cream shop and other motorists.

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 commercial for decades and the commercial tenant space where the proposed special use will locate has existed for several decades also. The proposed drive-through will operate in a manner that is not detrimental to the

surrounding neighborhood. The subject site is in proximity to a variety of other commercial uses including a restaurant, video gaming establishment, cash store, retail uses, business/medical offices and offices for the State of Illinois. The nearest residential use to the proposed special use is approximately 300 feet away.

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 commercial uses and some residential uses to the east of the site. The proposed drive-through 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 are already provided to the subject site. Pavement markings and directional signage will be added to make sure the drive-through operates appropriately and safely for the customers of the coffee and ice cream shop and other motorists.

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 previous tenant space previously contained a medical office. The proposed special use will take up a vacant commercial tenant space along Sycamore Road and will be an economic benefit to the corridor. Pavement markings and directional signage will be added to make sure the drive-through operates appropriately and safely for the customers of the coffee and ice cream shop and other motorists.

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 the Subject Property described as follows:

LOT 2 OF MARTIN'S RESUBDIVISION OF PART OF LOT "N" OF GURLER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 27, 1977 IN BOOK "R" OF PLATS, PAGE 55, AS DOCUMENT NO. 401715; IN DEKALB COUNTY, ILLINOIS.

The property is commonly known as 1406 Sycamore Road, Suite D, DeKalb, Illinois 60115, and has a Parcel Identification Number (PIN) of 08-14-427-020.

SECTION 3: The City's corporate authorities grant a special use permit for the Subject Property for a drive-through per the plans dated 2-27-20 prepared by the Petitioner and attached as Exhibit A.

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 Executive Assistant shall record a copy of this Ordinance after execution of this Ordinance.

SECTION 7: The City Clerk or Executive Assistant of the City of DeKalb, Illinois is authorized and directed to attest the Mayor's signature.

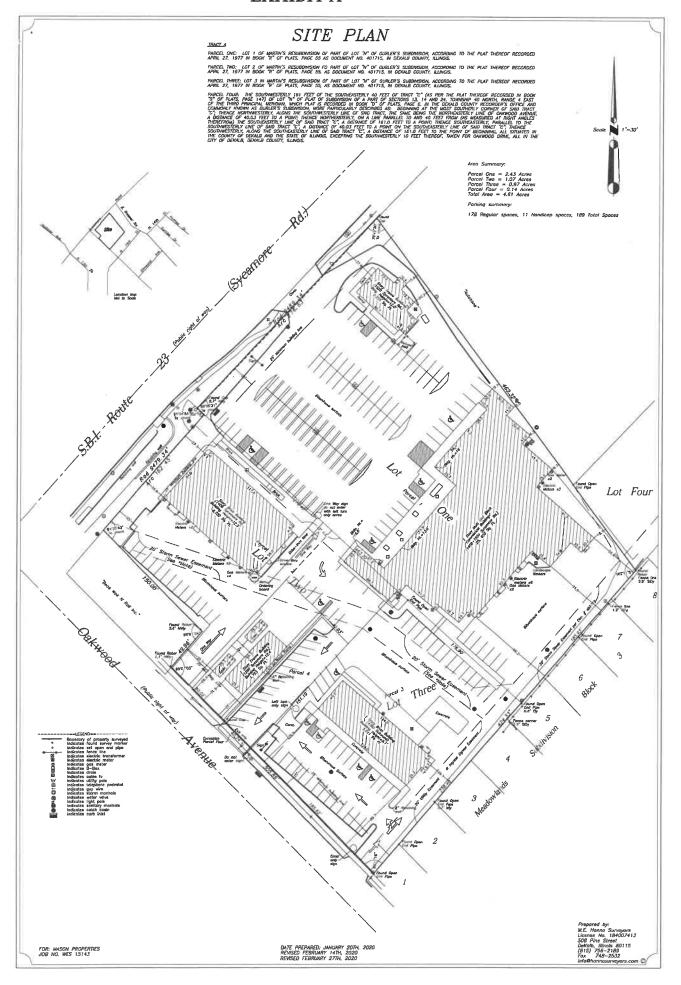
ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 9th day of March 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

ATTEST:

RUTH A. SCOTT, Executive Assistant

JERRY SMITH, Mayor Derry Smith

EXHIBIT A





815-756-1198 Fax: 815-756-1679

February 25, 2020

City Of DeKalb City Council 200 S Fourth Street DeKalb, IL 60115

Dear Mayor Smith and DeKalb City Council Members,

We received a 5-0 vote in support from the City of DeKalb Planning and Zoning Commission in regards to our special use request for a drive up window located at 1406 Sycamore Rd in DeKalb. I, James Mason, request the DeKalb City Council to waive the second reading requirement and to accept the special use request upon first reading.

Thank you for your consideration in this mater and I look forward to presenting our plans on March 9.

Sincerely,

Yames Mason

Manager

Mason Properties

120 N Annie Glidden Rd.

DeKalb, IL 60115

(815)901-4309



200 South Fourth Street

DeKalb, Illinois 60115

815.748.2000 • cityofdekalb.com

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

February 14, 2020

TO:

DeKalb Planning and Zoning Commission

FROM:

Dan Olson, Principal Planner

RE:

Special Use Permit for a drive-through -1406 Sycamore Road (JLAR Illinois, LLC)

I. GENERAL INFORMATION

A. Purpose Approval of a special use permit for a drive-

through associated with a coffee and ice cream

shop

B. Location/Size 1406 Sycamore Road, Suite D/4.5 acres

C. Petitioner JLAR Illinois, LLC, represented by James Mason

D. Existing Zoning "GC" General Commercial District

E. Existing Land Use Vacant commercial tenant space

F. Proposed Land Use Coffee and ice cream shop with drive-through

G. Surrounding Zoning and Land Use North: GC; various commercial uses

South: GC; various commercial uses

East: GC; various commercial uses

West: GC and SFR2; various commercial uses,

park

H. Comprehensive Plan Designation Commercial



II. BACKGROUND AND ANALYSIS

The applicant is proposing to establish a drive-through for an ice cream and coffee shop along the east side of a four-tenant building located at 1406 Sycamore Road. The proposed ice cream and coffee shop will be located in Suite D, which is 2,170 sq. ft. and previously contained a dentist office (Dr. Kloberdanz). The subject site is zoned "GC" General Commercial District and any drive-through requires the approval of a special use permit. The other tenants in the building include Ruby's Asian Market (Suite C), CJ's Gaming, (Suite B) and a future restaurant (Los Panchos Eggsperience Café) in Suite A. The operator of the proposed ice cream and coffee shop, Francisco and Lesly Morales, will also be operating the new Eggsperience Café in Suite A. Francisco and Lesly also operate Los Panchos Mexican Restaurant in Sycamore.

Customers of the ice cream and coffee shop drive-through will enter from the south. The menu board for the drive-through will be located just off the southeast corner of the building and two drive-through windows will be added to the east side of the building. There are currently three parallel parking spaces and one regular parking space that will have to be removed to accommodate the new drive-through lane. Landscaping along the east side of the building will need to be removed as well as modifications to the existing steps next to the building and a portion of the walkway in front of the building.

The Unified Development Ordinance (UDO) requires five (5) stacking spaces for drive-throughs. The proposed drive-through will accommodate five (5) stacking spaces without interfering with the traffic flow or parking for the shopping center. The staff has worked with the applicant on making changes to the site plan to modify the traffic flow in order to accommodate the drivethrough. The applicant is revising the site plan to show those changes and will be presented at the Commission meeting on Wednesday. A rough marked-up plan is provided in the packet showing the changes that will be made to the plan. The drive along the east side of the building where the drive-through will be located will be made a one-way (northbound from Oakwood Ave.) and the drive-through lane will be striped to better designate its location. Motorist coming from the north in the existing parking lot will be required to go the east and then south along the west side of the Secretary of State's Office to exist the site. The drive to the west of the Secretary of State's Office will be made one-way going south to Oakwood Ave. Angle parking already exist to the west of the Secretary of State's Office so the re-configuration will match the current conditions. The far eastern access along Oakwood Ave. to the Secretary of State's Offices will be made one-way going into the site. Directional signage will be added to direct motorist to the drive-through and throughout the parking lot and access drives.

With special use permits the City can adopt conditions and we typically also look for improvements that can be made to bring the property into further compliance with the UDO. It should be noted with the special use permit approved for the adjacent indoor golf facility (1500 Sycamore Road) in 2019, the applicant fully screened the existing trash dumpster to the east of the cash store and installed landscaping along the Sycamore Road frontage.



The subject site and building are mostly surrounded by commercial uses including a restaurant, a video gaming establishment, cash store, retail uses, business/medical offices and the IL Secretary of State's and Dept. of Human Services Office. Single-family residential uses lie to the east of the site and a small multi-family development is to the northeast of the property. The nearest residential use to the proposed drive-through is approximately 300 feet away. There are a total 189 parking spaces provided in the lots in the shopping center and parking is shared between the various parcels with some reserved spaces. Cross easements for ingress and egress and easements for parking exist on the site. There are approximately 166 parking spaces required based upon the parking formulas in the UDO for the various uses.

III. STANDARDS OF A SPECIAL USE

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

The proposed drive-through will comply with all regulations of the "GC" General Commercial District and the Unified Development Ordinance (UDO). Vehicle stacking is provided for the drive-through and adequate parking is already provided on the site per the UDO requirements. Pavement markings and directional signage will be added to make sure the drive-through operates appropriately and safely for the customers of the coffee and ice cream shop and other motorists.

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.

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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.

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

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The proposed special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The previous tenant space previously contained a medical office. The proposed special use will take up a vacant commercial tenant space along Sycamore Road and will be an economic benefit to the corridor. Pavement markings and directional signage will be added to make sure the drive-through operates appropriately and safely for the customers of the coffee and ice cream shop and other motorists.

IV. CITIZEN RESPONSE/COMMENTS

We received a Citizen Response Form and follow up e-mail from Sean Niklas of Saren Restaurants representing JD Wesley, Inc, which own the adjacent Wendy's Restaurant along Sycamore Road. Mr. Niklas noted they have no objections to the proposal after reviewing the plans for the drive-through.

V. RECOMMENDATION

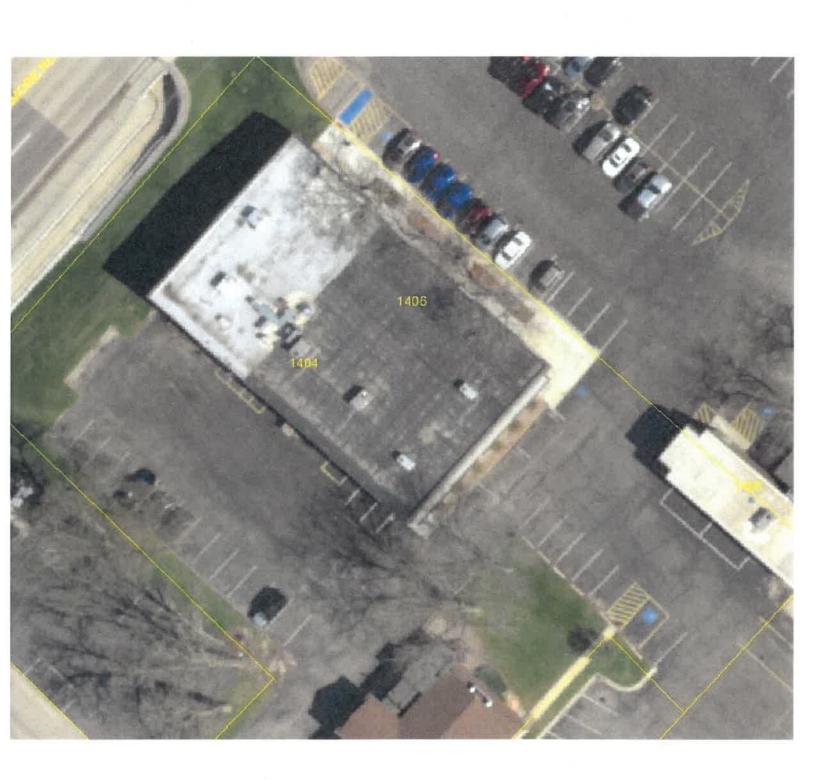
The applicant is revising the site plan based upon the discussions with staff and will be provided to the Commission at Wednesday's meeting. A sample motion has been prepared recommending approval.

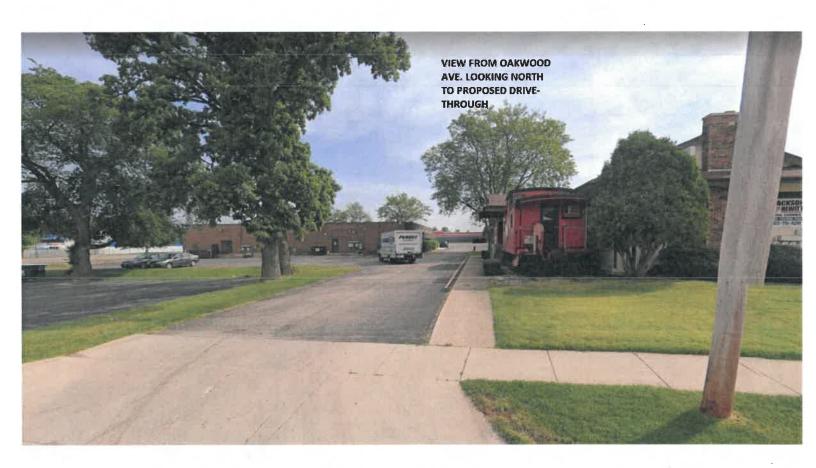
Sample Motion:

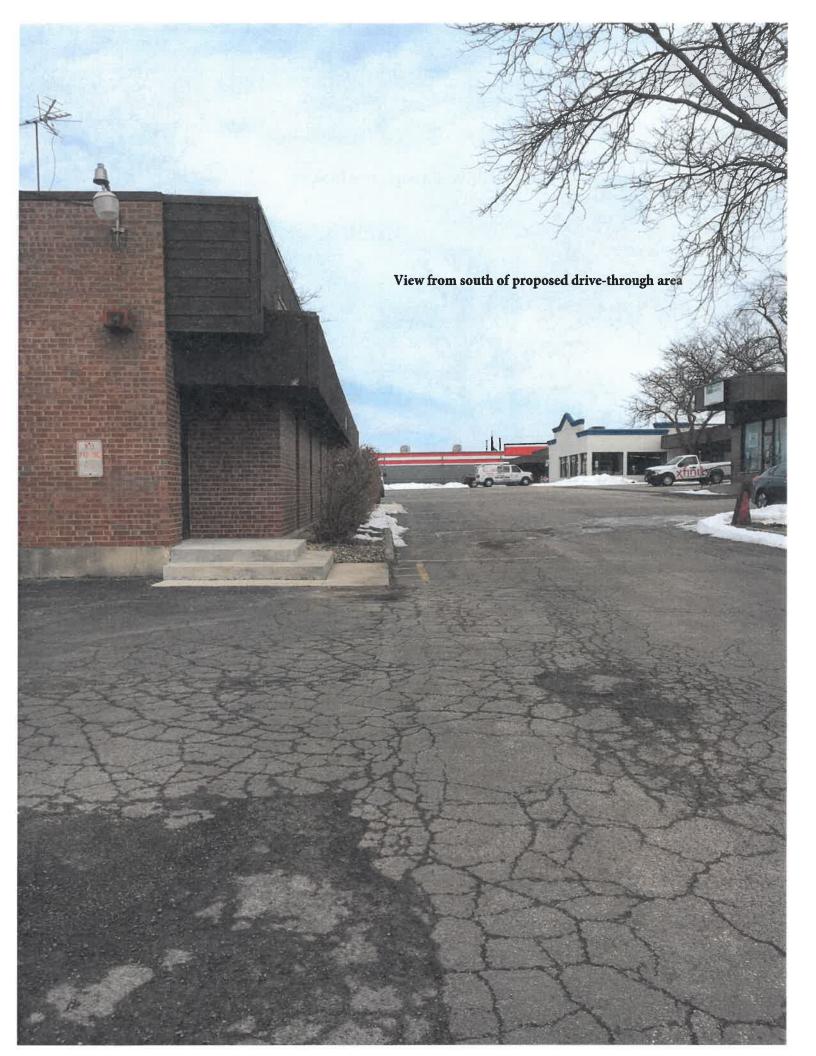
Based upon the submitted petition and testimony presented, I move that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a drive-through for a coffee and ice cream shop located at 1406 Sycamore Road, Suite D per the site plan dated and labeled as Exhibit A.

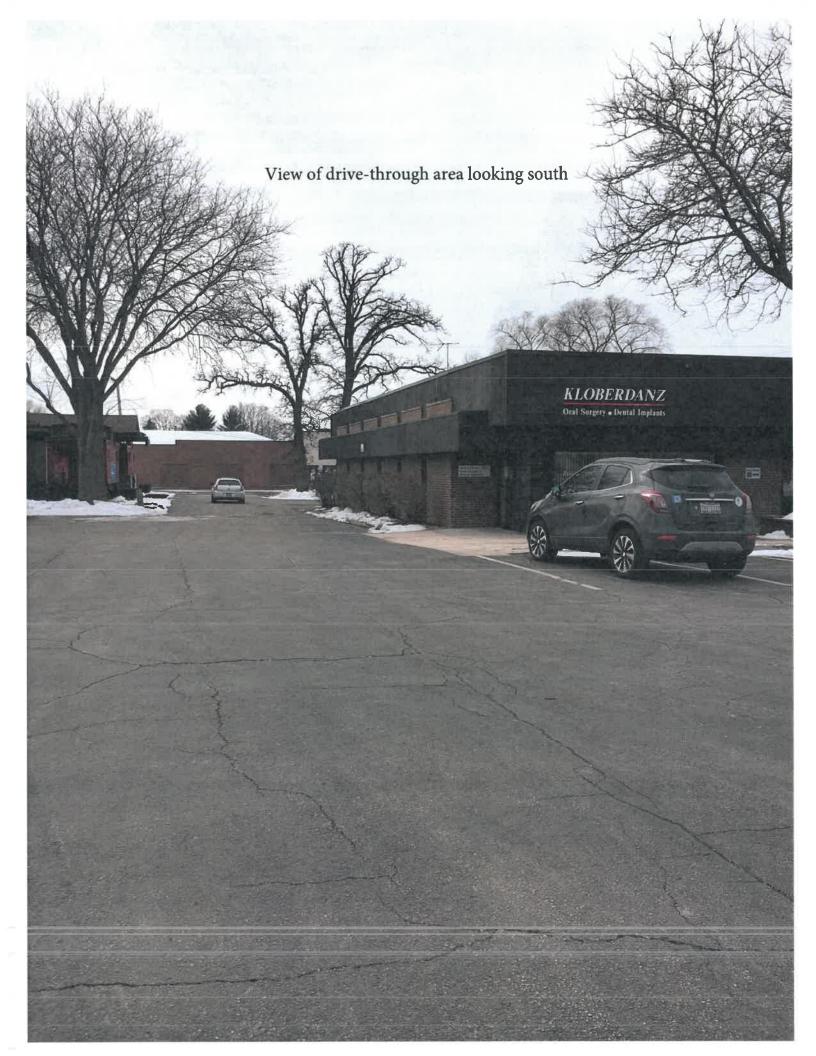
















SPECIAL USE PERMIT PETITION

TO:	City Council, City Clerk, and Mayor of the City of DeKalb, Illinois		
FROM:	Petitioner Name(s): James Mason Petitioner's Representative: Mailing Address: 120 N Annie Glidden Rd DeKalb. TL 60115	Cell: (815)901-4309	
	Property Owner: JLAR, LLC Mailing Address: 120 N Annie Glidden Rd Dekalb, IL 60115	Telephone: (815)756-1198 Cell: (815)751-8849 Email: Whitingsae mason properties. Com	
	Legal Description and Parcel Number(s) – If necessary, attach the full legal description on a separate piece of paper: Parcel # 0814427020 See attached		
C. D. E. F.	Street Address or Common Location: 1406 Syco Size (square feet or acres): 2170 Square Existing Zoning District: General Common C	nercial window paper, describe the proposed use's characteristics	

adjacent existing and future land uses; c) impact adjacent property values; d) impact the general public's health, safety, and welfare; and e) in conformance with all elements of the "UDO," Unified Development Ordinance.

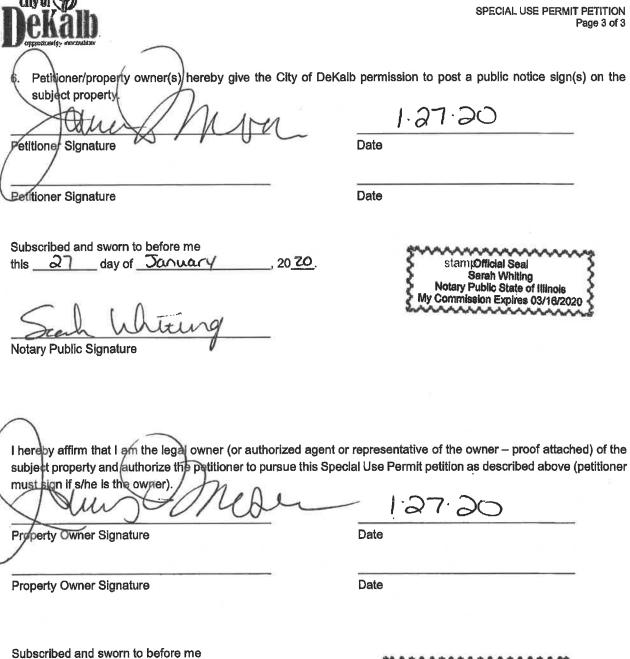
Updated: March 2017



2.	The petitioner hereby submits the following information:	
	◯ Vicinity map of the area proposed for the special use	
	List of current owner and malling addresses of all property within 250 feet (exclusive of right-of-way) of the	
	property proposed to be rezoned	
	Petition fee (\$500.00)	
6 full size copies and an electronic copy on a disk of a site plan, which must show the following item		
	Property dimensions	
	Location and use of proposed structure	
	Number and location of parking spaces and loading area	
	Location and type of landscaping (Including existing trees 6" in diameter or greater and existing tree	
	masses	
	Location, type, and height of fencing or walls	
	Location and width of driveways and curb cuts; internal traffic patterns	
	Floor area (square footage)	
	Location of exterior lighting	
	Location, type, and height of signage	
	Direction of storm water flow, location of detention area	
	(Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans must eventually conform to other City standards prior to the issuance of any building permits or other permits.)	
3.	The petitioner hereby states that a pre-application conference *was was not held with City staff prior to the submittal of this petition.	
	*Date of pre-application conference: January 8, 2020 @ Z PM Those in attendance: Dan Olson, Jim muson, Sarah Whiting	
	*(Note to Petitioner: A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.)	
4.	The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.	
5.	The petitioner has read and completed all of the above information and affirms that it is true and correct.	

Updated: March 2017

TOTAL Seal Sarah Whiting Notary Public State of Illinois My Commission Expires 03/16/2020



Updated: March 2017

Notary Public Signature

Proposed Use and Description

The proposed use of the property located at 1406 Sycamore Rd. in DeKalb Illinois is an Ice Cream and Coffee Shop. We are proposing a drive through window at this location in Suite D. The proposed drive through window will not impact adjacent property values or impact the general public's health, safety, and welfare. We are also proposing some traffic flow and signage changes within the parking lot of the property to support the drive through traffic flow.

1406 Sycamore Road – Special Use Permit Citizen Response Form

Owners Name: JD Wesley, Inc.		
Property Address: 1321 Sycamore Rd. De Kalb		
Basic Input:		
 I support the proposal. I support the proposal in general but would like to see specifics before I decide. I do not support the proposal. 		
Written Comments:		



From: To: Sean Niklas Olson, Dan

Subject: Date: Re: FW: 1406 Sycamore Rd. Special Use Permit Monday, February 03, 2020 5:03:41 PM

[NOTICE: This message originated outside of the City Of DeKalb mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Thank you, Dan, for the additional information. I have no objections.

Sincerely,

Sean Niklas

President

Saren Restaurants, Inc.



Chase perfection...capture excellence.

On Feb 3, 2020, 3:05 PM -0600, Olson, Dan < Dan.Olson@CITYOFDEKALB.com>, wrote:

Sean,

Thanks for the response. I have provided a link below to our website that shows the proposed drive-thru location and description of the use. If you have any further questions, let me know.

https://www.cityofdekalb.com/DocumentCenter/View/10717/1406-Sycamore-Road---SUP---Supporting-Docs---PH-Page-Website

Dan Olson | Principal Planner

City of DeKalb | 200 South Fourth Street | DeKalb, IL 60115

Phone: 815-748-2361

Email: dan.olson@cityofdekalb.com | Website: www.cityofdekalb.com

<image001.png>

From: Sean Niklas

Sent: Monday, February 03, 2020 9:38 AM

To: Olson, Dan < Dan.Olson@CITYOFDEKALB.com>

Subject: 1406 Sycamore Rd. Special Use Permit

[NOTICE: This message originated outside of the City Of DeKalb mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Dan,

Please see attached.

Sincerely,

Sean Niklas

President

Saren Restaurants, Inc.



w: www.sareninc.com e:





Chase perfection...capture excellence.

Disclaimer: This is a transmission from the City of DeKalb that is confidential and proprietary. If you are not the intended recipient, copying or distributing the contents of this message is expressly prohibited. If you have received this message in error, please destroy it and notify the City immediately. This email is the property of the City of DeKalb and the City reserves the right to retrieve and read any message created, sent or received, including the right to monitor messages of City employees or representatives at any time, without notice. Freedom of Information Act Requests should be submitted on the City's