

2020012038

DOUGLAS J. JOHNSON RECORDER - DEKALB COUNTY, IL

RECORDED: 11/13/2020 08:42 AM

REC FEE: 75.00

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

PAGES: 6

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 2020-068

APPROVING A SPECIAL USE PERMIT TO ESTABLISH A VIDEO GAMING ESTABLISHMENT AT 2022 SYCAMORE ROAD, DEKALB, ILLINOIS (CJ'S GAMING).

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

WITNESS my hand and the official seal of said City this 13th day of November 2020.

STATE OF DEATH OF DEA

RUTH A. SCOTT, Executive Assistant

Prepared by and Return to:

City of DeKalb City Manager's Office Attention: Ruth A. Scott 164 E. Lincoln Highway DeKalb, Illinois 60115



TO ESTABLISH A VIDEO GAMING

ADOPTED: NOVEMBER 9, 2020

APPROVING A SPECIAL USE PERMIT TO ESTABLISH A VIDEO GAMING ESTABLISHMENT AT 2022 SYCAMORE ROAD, DEKALB, ILLINOIS (CJ'S GAMING).

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, City of Sycamore LLC, the owner of property located at 2022 Sycamore Rd, DeKalb, Illinois (herein referred to as "Subject Property"), legally described as set forth in Exhibit A and Randi Hoffstead (herein referred to as "Petitioner"), petitioned the City of DeKalb for approval of a special use permit for a video gaming establishment for the Subject Property; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on November 2, 2020; and

WHEREAS, the Petitioner have conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for a special use permit 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 special use permit 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 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 video gaming establishment will comply with all regulations of the "GC" General Commercial District and the UDO. The subject property is about 1,125 feet from the nearest video gaming establishment exceeding the minimum separation requirement in the UDO of 500 feet. Conditions attached to the approval will enhance the appearance of the subject site and bring it into further compliance with 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 land uses. The site has been zoned commercial for decades and is in proximity to a variety of commercial uses. Data from the City's Police Department has indicated there is no significant demand for public safety resources nor any quality of life or crime concerns related to the existing stand-alone video gaming establishments in the City. In addition, staff is recommending conditions be added to the approval to require a handicap parking sign in front of the handicap parking space and the trash dumpster be screened.

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 special use will locate in an existing building and 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 Road, including a fast-food restaurant, auto dealership, and home improvement store. Parking is provided for the proposed special use per the requirements of the Unified Development Ordinance.

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 is provided for the proposed special use per the requirements of the Unified Development Ordinance.

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 proposed special use will take up a vacant tenant space in the building and will be an economic benefit to this portion of the Sycamore Road corridor. Approval of the special use will allow an existing video gaming establishment to remain in the City and continue to generate sales tax and video gaming revenue. In addition, staff is recommending conditions that will require the placement of a handicap sign and screening of the trash dumpster on the 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 special use permit for a video gaming establishment is hereby approved for the Subject Property subject to the following conditions:

1. The video gaming establishment shall only be allowed to operate in the tenant space as shown on the floor plan dated 10-13-20 and 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 the Municipal Code, Chapter 38.
- 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. A handicap parking sign, per local and state regulations, must be placed in front of the handicap parking space on the subject site within 30 days of approval of the special use permit by the City Council.
- 5. The trash dumpster on the subject site shall be enclosed with a six-foot high sight-proof fence per the regulations of Article 7.11 of the UDO within 30 days of approval of the special use permit by the City Council.

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 of the City of DeKalb, Illinois shall be authorized and directed to attest the Mayor's Signature, and 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 9th day of November 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





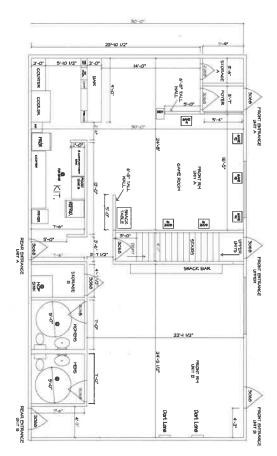
EXHIBIT A

Parcel 08-13-103-009

A PART OF NORTHWEST ¼ OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE LINE BETWEEN ASSESSOR'S LOTS 5 AND 6 AND THE CENTER LINE OF S.B.I. ROUTE 23 (ALSO KNOWN AS SYCAMORE ROAD); THENCE SOUTHEASTERLY ALONG SAID LINE BETWEEN ASSESSOR'S LOTS 5 AND 6, A DISTANCE OF 60.09 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID S.B.I. ROUTE 23 FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHEASTERLY ALONG SAID LINE BETWEEN ASSESSOR'S LOTS 5 AND 6 AND A LINE BETWEEN ASSESSOR'S LOTS 4 AND 11. A DISTANCE OF 153.41 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE AND GARY RAILWAY (FORMERLY ILLINOIS, IOWA AND MINNESOTA RAILWAY); THENCE NORTHERLY ALONG THE WESTERLY RIGHT OF WAY OF SAID CHICAGO, MILWAUKEE AND GARY RAILWAY, A DISTANCE OF 213.0 FEET TO THE INTERSECTION THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID S.B.I. ROUTE 23: THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT OF WAY OF S.B.I ROUTE 23, SAID SOUTH EASTERLY RIGHT OF WAY BEING ON A CURVE TO THE RIGHT, THE RADIUS OF WHICH IS 20,403.9 FEET, A DISTANCE OF 156.47 FEET TO THE POINT OF BEGINNING, (EXCEPTING THERE FROM A PART OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHEASTLY RIGHT OF WAY LINE OF S.B.I. ROUTE 23 AND THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD (NOW ABANDONED); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE OF S.B.I. ROUTE 23, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 20403.9 FEET AN ARC DISTANCE OF 108.57 FEET, THE CORD HAVING A BEARING OF SOUTH 45 DEGREES 03 MINUTES 12 SECONDS WEST AND A CHORD DISTANCE OF 108.57 FEET; THENCE NORTH 61 DEGREES 13 MINUTES 03 SECONDS EAST, 52.12 FEET; THENCE SOUTH 45 DEGREES 10 MINUTES 38 SECONDS EAST, 45.83 FEET; THENCE NORTH 0 DEGREES 54 MINUTES 54 SECONDS WEST, 83.92 FEET TO THE POINT OF BEGINNING.

EXHIBIT B



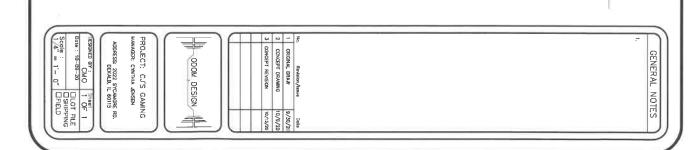


FIRST FLOOR - UNITS A & B

CJ'S GAMING PROPOSED FLOOR PLAN

SYCAMORE RD

GREENWOOD ACRES DR



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	e: "				*11

all does from this point forward not recorded. For bockups only.

November 3, 2020

Mayor Jerry Smith City Council

City of DeKalb 164 E Lincoln Highway DeKalb, IL 60115

Re: 2022 Sycamore Rd

Request to waive 2rd hearing, special use permit

On Monday November 2, 2020 DeKalb Planning & Zoning conducted a public hearing regarding a special use permit for 2022 Sycamore Rd.

There were no objections to approving the permit.

I would like to request a waiver of the second reading requirements, and the City Council approve the special use permit at its November 9, 2020 City Council meeting

Respectfully,

Randi Hoffstead owner

Cj's Gaming, LLC



164 East Lincoln Highway

DeKalb, Illinois 60115

815.748.2000 • cityofdekalb.com

COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

October 29, 2020

TO:

DeKalb Planning and Zoning Commission

FROM:

Dan Olson, Principal Planner

RE:

2022 Sycamore Road - Special Use Permit - Video Gaming Establishment

(Randi Hoffstead – CJ's Gaming)

I. GENERAL INFORMATION

A. Purpose

To allow a video gaming establishment in the

building at 2022 Sycamore Road

B. Location/Size

2022 Sycamore Road/.20 acres

C. Petitioner

Randi Hoffstead – CJ's Gaming

D. Existing Zoning

"GC" General Commercial District

E. Existing Land Use

Commercial/Apartments

F. Surrounding Zoning and Land Use North:

orth: "PDC"; Commercial

South:

"GC" and "LI"; Commercial and

Church

East:

"A1 (Unincorporated)"; Open Space

West: "PDR" and "GC"; Golf Course

Commercial

G. Comprehensive Plan Designation Commercial

II. BACKGROUND AND ANALYSIS

The petitioner, Randi Hoffstead (CJ's Gaming), is requesting a special use permit to establish a video gaming establishment in the first floor of the building located at 2022 Sycamore Road. The establishment will be occupying approximately 1,800 of gross floor area and take up the entire first floor. The subject site is zoned "GC" General Commercial District, which requires a special use permit for a video gaming establishment (standalone facility). CJ's Gaming is currently located at 1406 Sycamore Road and is planning to move to this new location by January, 2021. The proposed hours will match the hours at their current location which is 8:00AM to 1:00AM – Monday through Wednesday, 8:00AM to 2:00AM – Thursday through Saturday and 10:00AM – 1:00AM on Sundays.

The Municipal Code (Chapter 38 - Intoxicating Liquors) has a limit of 10 stand-alone video gaming establishments, however since CJ's is re-locating so there is no need for the City Council to consider amending the Municipal Code. According to the Illinois Gaming Board website, CJ's Gaming had the largest net terminal income of any video gaming establishment in the City from January, 2020 to September, 2020. The UDO requires a minimum distance of 500 feet between video gaming establishments. The nearest video gaming establishment is Lucky Poker at 1812 Sycamore Road which is about 1,125 feet away from the proposed location for CJ's.

The parcel where CJ's is proposing to locate shares a parking lot with 2020 Sycamore Road to the south which formerly contained a Hertz car rental business. There is an internet auto sales operation proposing to locate in the building at 2020 Sycamore Road. The total gross square footage of the tenant space for the video gaming establishment is about 1,800 sq. ft. The floor plan indicates six video gaming machines, kitchen, bar, snack bar and seating area. For parking purposes, there is a net floor area of 1,067 sq. ft. (excluding storage areas, restrooms and the stairwell). In addition, there are two 2-bedroom apartments on the second level of the building. Using the parking formula of 2.5 spaces for every two-bedroom unit and one parking space for every 250 ft. of floor area for the video gaming establishment there is a total of nine parking spaces required. The proposed auto sales operation at 2020 Sycamore Road would generate two required parking spaces plus storage for the vehicles on display for sale. The result is 11 total required parking spaces and there are 17 parking spaces provided on the site so there is adequate parking.

The special use permits approved for the video gaming establishment along S. 4th St. in 2018 (Maisy's) and the video gaming establishment approved in July of 2019 at 122 E. Hillcrest Drive (Chip's) had language restricting the hours (the sale of alcohol shall not occur at the video gaming establishment before 10:00 a.m., Monday through Sunday), and signage (no advertising related to the sale or presence of alcohol or video gaming). The special use permit approved for the video gaming establishment at 1704 Sycamore Road (Athena's Palace) in November 2019 did not have hour or signage restrictions. The Commission believed the restrictions were not warranted based upon the proposed location of the video gaming establishment in relation to the distance to Sycamore Road and nearby residential areas. Staff is not recommending additional restrictions on hours



or signage for the proposed location of CJ's based upon the location along the Sycamore Road commercial corridor and there has been no opposition from the public. Staff is recommending two conditions. A handicap sign needs to be placed in front of the handicap space by the building and the trash dumpster with need to be screened with a 6-foot high sight proof fence. Staff is recommending both conditions be addressed within 30 days after approval of the special use by the City Council.

III. STANDARDS OF A SPECIAL USE

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

The proposed video gaming establishment will comply with all regulations of the "GC" General Commercial District and the UDO. The subject property is about 1,125 feet from the nearest video gaming establishment exceeding the minimum separation requirement in the UDO of 500 feet. Conditions attached to the approval will enhance the appearance of the subject site and bring it into further compliance with 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.

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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.



Adequate public services and utilities are already provided to the subject site. Parking is provided for the proposed special use per the requirements of the Unified Development Ordinance.

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 proposed special use will take up a vacant tenant space in the building and will be an economic benefit to this portion of the Sycamore Road corridor. Approval of the special use will allow an existing video gaming establishment to remain in the City and continue to generate sales tax and video gaming revenue. In addition, staff is recommending conditions that will require the placement of a handicap sign and screening of the trash dumpster on the site.

IV. PUBLIC INPUT

As of the posting of the agenda on October 29, 2020 there have been no comments from the public regarding the petition.

V. RECOMMENDATION

Sample Variation Motion:

Based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of a Special Use Permit for a Video Gaming Establishment at 2022 Sycamore Road per the conditions as indicated on Exhibit A of this report.

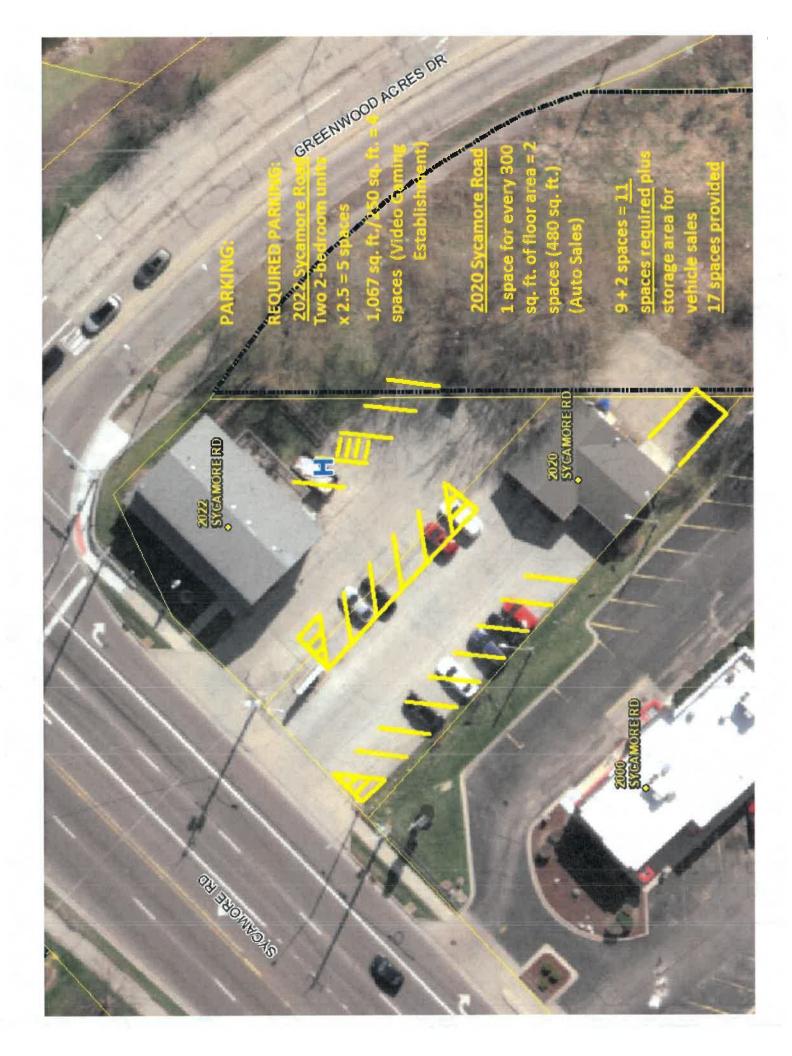


Exhibit A

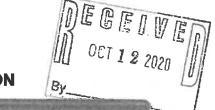
- 1. The video gaming establishment shall only be allowed to operate in the tenant space as shown on the floor plan dated 10-13-20 and labeled as Exhibit B.
- 2. The applicant must obtain a City issued liquor license for the subject site with supplemental licensure for video gaming as required in the Municipal Code, Chapter 38.
- 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. A handicap parking sign, per local and state regulations, must be placed in front of the handicap parking space on the subject site within 30 days of approval of the special use permit by the City Council.
- 5. The trash dumpster on the subject site shall be enclosed with a six-foot high sight-proof fence per the regulations of Article 7.11 of the UDO within 30 days of approval of the special use permit by the City Council.











SPECIAL USE PERMIT PETITION

TO:	City Council, City Clerk, and Mayor of the City of DeKalb, Illinois							
Prom: Petitioner Name(s): Representative: Phone: 815-762-2283 Email: Randi Hoffstond amail. Com								
	Petitioner's Representative: Email: Randi Hoffstond amail, Com							
	Mailing Address: 12645 WILLOW Lane							
	Genog IL 60135							
	Property Owner: City of Sycamore, LC Phone: 815-761-2115 Mailing Address: 605 5 Independence Adment: Chad Bemistagna Com							
	Mailing Address: 605 Independence Acrosis: Chad Bemis 109mail COM							
	SUCAMORE, IL 66178							
1. Th	1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:							
А	Legal Description and Parcel Number (s) – If necessary, attach the full legal description on a separate piece							
	of paper:							
	Parcel 0813103009							
	PT NW IH Sec 13 THON RAE							
	न् उटट १५ : 400 । ८ । १८							
ъ	Street Address or Common Location: 2022 Sycamore Rd, Dekalb, TL 60/15							
В.	Street Address or Common Location: 30 & 2 Square Rd, 12 Rd LD, 12 60/15							
Ç.	Size of Property (square feet or acres): 45 A Crcs							
D.	Existing Zoning: 90							
Ė.	Proposed Special Use: Gaming Cate & Bar (Video Gamung = stablishment)							
F.	The state of the s							
	indicate whether or not the proposed use would: a) Prevent development and use of neighboring property;							
	b) impact adjacent existing and future land uses; c) impact adjacent property values; d) impact the general							
	public's health, safety, and welfare; and e) be in conformance with all elements of the "UDO," Unified							
Development Ordinance								
Video Gaming Coate & Bar. Offering food. It would not								
prevent a evelopment, would not impact adjacent existing								
+ turne land uses, looked not impact property values.								
Video Gaming Cate & Bar Offering food. It would not prevent development, would not impact adjacent existing & future land uses, would not impact property values, Public Sayety heatth + Nelfare. We would conform updated: 9/2019 With oil the elements of the UDD								
Updated: 9/2019 with diel the elements of the UDD								



2.	2. The petitioner hereby submits the following information:	
	Vicinity map of the area proposed for the special use	
	Petition fee (\$500.00)	
	3 full size copies and an electronic copy on a disk of a site pl	an, which must show the following items (per
-	the requirements of Article 14.03.03 of the UDO):	
	Property dimensions	
	Location and use of proposed structures	
	Number and location of parking spaces and loading ar	ea
	Location and type of landscaping (including existing tree	ees 6° in diameter or greater and existing tree
	masses	
	N Location, type, and height of fencing or walls	
	Location and width of driveways and curb cuts; interna	I traffic patterns
	Floor area (square footage)	
	Location of exterior lighting	
	Location, type, and height of signage	
	Direction of storm water flow, location of detention are	a
	(Note to Petitioner: A site plan for a special use permit is in	tended to be a schematic plan only. All plans
	must eventually conform to other City standards prior to the issue	nance of any building permits or other permits.)
3.	3. The petitioner hereby states that a pre-application conference the submittal of this petition.	* was was not held with City staff prior to
	*Date of pre-application conference:	
	Those in attendance:	
	(Note to Petitioner: A pre-application conference with staff is	highly encouraged to avoid delays and help in
	the timely processing of this petition.)	, , , , , , , , , , , , , , , , , , ,
		a Diameter and Zaning Commission's agenda
4.	4. The petitioner hereby agrees that this petition will be placed on tr only if it is completed in full and submitted in advance of establish	ed deadlines
	Only if it is completed in full and submitted in advance of establish	
5	5. The petitioner has read and completed all of the above information	n and affirms that it is true and correct.
	and Appetered	10/8/20
Y	West 1 1 1 1 1 2 2 2 2 2	
P	Petitioner Signature Date	•
11	I hereby affirm that I am the legal owner (or authorized agent or repre	sentative of the owner - proof attached) of the
ŞI	subject property and authorize the petitioner to pursue this Special Us	Permit petition as described above (petitioner
m	must sign if they are the owner).	10//
	Mul Gene	10/8/20
D	Property Owner Signature Date	
	Property Owner Organizate	

Updated: 9/2019









