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.

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
ORDINANCE 2020-068                        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:**

[Signatures]

**RUTH A. SCOTT, Executive Assistant**

**JERRY SMITH, Mayor**

[City Seal]
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.
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 2nd 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,  

[Signature]  

Randi Hoffstead  
Owner,  
Cj’s Gaming, LLC
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: "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 (stand-alone 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.

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.

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.
REQUIRED PARKING

2020 Sycamore Road
Two 2-bedroom units
× 2.5 = 5 spaces

1,067 sq. ft. (20 sq. ft. = 4
spaces (Video Gaming
Establishment)

2020 Sycamore Road
1 space for every 300
sq. ft. of floor area = 2

9 + 2 spaces = 11
spaces required plus
storage area for
vehicle sales

17 spaces provided
SPECIAL USE PERMIT PETITION

TO:  City Council, City Clerk, and Mayor of the City of DeKalb, Illinois

FROM: Petitioner Name(s): Randi Hoffsteed  Phone: 815-762-2283
       Petitioner's Representative:       Email: RandiHoffstee@gmail.com
       Mailing Address:  2645 Willow Lane
                         Genoa, IL 60135

       Property Owner:       City of Sycamore, IL  Phone: 815-761-2115
                                Property Owner's Name: Chad Bemis
                                Mailing Address: 625 Independence Ave
                                Sycamore, IL 60178

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

   A. Legal Description and Parcel Number(s) — if necessary, attach the full legal description on a separate piece of paper:

       Parcel 081303009

       PT NW 1/4 Sec 13 T40N R1E

   B. Street Address or Common Location: 5022 Sycamore Rd, DeKalb, IL 6015

   C. Size of Property (square feet or acres): 45 Acres

   D. Existing Zoning: GC

   E. Proposed Special Use: Gaming Cafe & Bar (Video Gaming Establishment)

   F. Proposed Use and Description: On a separate document, describe the proposed use's characteristics. Also, 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 Cafe & Bar offering food. It would not prevent development, would not impact adjacent existing & future land uses, would not impact property values, public safety, health & welfare. We would conform with all the elements of the UDO.
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 plan, 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 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 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:  
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.)

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.

Kandi Hightoad  
Petitioner Signature  10/8/20  
Date

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Special Use Permit petition as described above (petitioner must sign if they are the owner).

Chlese  
Property Owner Signature  10/8/20  
Date

Updated: 9/2019