

AMENDING RESOLUTION 2020-111 TO EXTEND THE DEADLINE FOR THE ISSUANCE OF A PACKAGE LIQUOR LICENSE WITH SUPPLEMENTAL DRIVE-THROUGH LICENSURE FOR BLUE RIDGE LLC – 1221, 1221 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, on October 12, 2020, the City’s corporate authorities adopted Resolution 2020-111 (the “Resolution”), which authorized a package liquor license with supplemental drive-through licensure (the “License”) for Haymaker Enterprises, Inc. (the “Licensee”) for the premises located at 1221 W. Lincoln Highway, DeKalb, Illinois; and

WHEREAS, the Resolution provided in pertinent part that: (1) the License shall be issued within 18 months of the adoption of the Resolution; and (2) the Licensee may change its corporate name prior to the issuance of the License; and

WHEREAS, the Licensee requested to: (1) extend the deadline for the issuance of the License to March 12, 2023; and (2) change the name of the Licensee to Blue Ridge LLC – 1221; and

WHEREAS, the City’s corporate authorities find that it is in the City’s best interests for the promotion of the public health, morals and welfare to amend the Resolution as provided herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City’s corporate authorities adopt an amendment to Resolution 2020-111, “Authorizing a Package Liquor License with Supplemental Drive-Through Licensure for Haymaker Enterprises, 1221 W. Lincoln Highway, DeKalb, Illinois”, in its entirety, as follows:

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SECTION 1: A liquor license, Package, with supplemental license for a drive-through, shall be issued for Blue Ridge LLC – 1221 (“Licensee”), 1221 W. Lincoln Highway, DeKalb, Illinois (the “Property”), subject to the following terms and conditions:

1. After issuance, the license shall be subject to all provisions of the City’s Municipal Code, including those provisions pertaining to the term of an initial issuance of liquor license, renewal of liquor license, and similar provisions, unless specifically waived herein.
2. The Licensee shall be required to obtain the Liquor Commissioner’s approval of a Business Plan and Premises Plan which provide for the orderly conduct of the Licensee. Said Plans shall be subject to approval by the Liquor Commissioner with the advice and recommendation of the Chief of Police and must be approved prior to commencement of operations of the Premises. The City Council expressly authorizes the Liquor Commissioner to approve of

further and specific regulations of the uses of the Premises within the Business Plan and Premises Plan, either as initially approved or as later amended by the Liquor Commissioner.

3. The License shall be conditioned upon the following conditions precedent to final issuance:
 - a. The Licensee shall be required to obtain all required zoning approvals and special use permits;
 - b. The Licensee shall be required to obtain and maintain at all times a fire life safety license for the licensed premises;
 - c. The Licensee shall be required to obtain all required building permits for interior and exterior modifications, to complete all modifications in accordance with approved plans, and thereafter to obtain an acceptable final inspection of the premises;
 - d. The Licensee shall be required to obtain the Liquor Commissioner's approval of its business plan, premises plan and security plan with the recommendation of the Chief of Police;
 - e. The Licensee shall be required to adhere to the occupancy limit, once established; and
 - f. The Licensee shall operate the premises in accordance with all applicable codes and ordinances and shall collect and remit all taxes required under applicable federal, state or local laws.

4. The License shall be deemed to permanently include the following restrictions:
 - a. The property shall otherwise comply with all applicable City Code, ordinances, resolutions, rules and regulations.
 - b. The property shall comply with applicable Unified Development Ordinance requirements and parking restrictions.
 - c. The License authorizes the construction of one (1) drive-through window for the sale of alcoholic beverages as a supplemental license to the Package liquor license.
 - d. The drive-through shall require the following security measures:
 - i. Proximity alert for vehicles in the drive-through.
 - ii. Video surveillance cameras with a recording system showing view of:
 - a) license plates for vehicles in the drive-through;
 - b) transaction area;
 - c) driver of vehicle;
 - d) rear seat area of vehicle;
 - e) rear of car;
 - f) interior of package liquor store (including entryway); and,
 - g) common area and parking lot. Licensee shall grant the City of DeKalb Police Department access to view camera footage at any time during normal business

hours upon request, and if available, will provide the Police Department with remote access to be able to view camera footage through a secure online portal.

- iii. Alarm with panic button.
 - iv. Bullet-resistant surround at drive-through window.
 - v. Compliance with all requirements of the City Code pertaining to drive-through use in liquor sales.
5. The Licensee shall have a period up to and including March 12, 2023, during which this license shall be available for issuance, unless earlier terminated or revoked by the City Council through adoption of a resolution superseding this action.
6. At any time prior to issuance of the license, the Licensee may change the corporate name of the licensee to be listed on the liquor license (provided that ownership remains with the Licensee or its owners), it being acknowledged that the Licensee intends to form a new corporate entity (under common ownership) to own and operate the licensed premises.

City staff are authorized and directed to issue a license upon satisfaction of the conditions precedent to issuance, and to thereafter enforce the terms of licensure included herein. Pending completion of those items, a conditional license shall issue. Said conditional license may be utilized to obtain any required federal or state licensure and may be relied upon by any superior governmental body.

* * *

SECTION 2: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 28th day of February 2022 and approved by me as Mayor on the same day. Passed by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

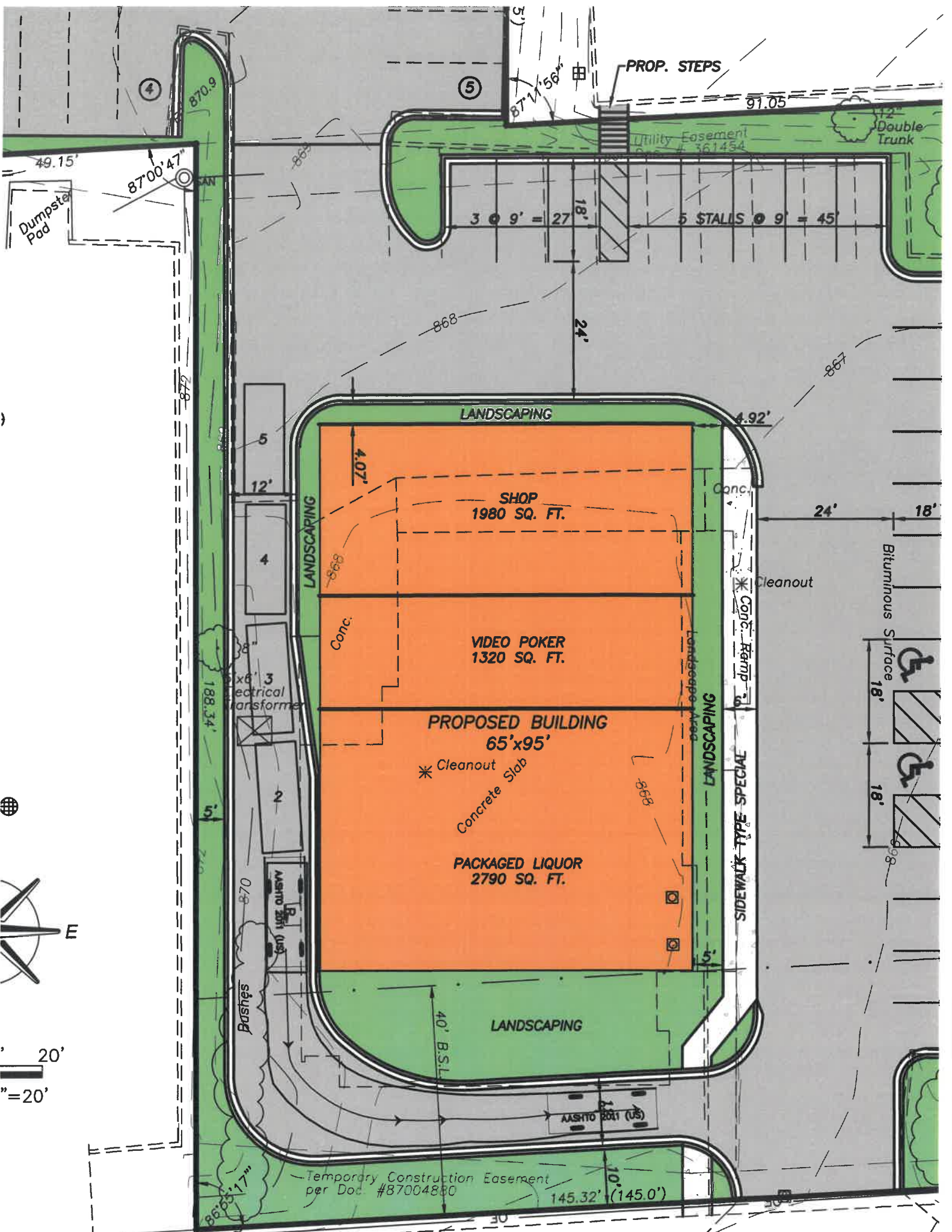
From: [Jeff Dobie](#)
To: [Nicklas, Bill](#); [Olson, Dan](#)
Subject: 1221 W Lincoln Hwy
Date: Tuesday, February 8, 2022 11:54:57 AM

[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.]

To whom it may concern,

Blue Ridge LLC would like to formally request a one year extension for the 1221 Lincoln Hwy Project licensing . Our current construction timeline has us breaking ground in mid spring. Completion of the project is set for early fall 2022. Unfortunately, this may place us outside the 6 month extension parameters. A one year extension should leave a comfortable window for completion and operation of the facility. The extension should include all gaming and liquor licensing, as well as the drive thru approval.

Thank you ,
Jeff Dobie
Blue Ridge LLC
1312 W Lincoln Hwy.
DeKalb, IL 60115



Temporary Construction Easement per Doc. #87004880 145.32' (145.0')

