

**APPROVING A SPECIAL USE PERMIT FOR A RETAIL TOBACCO STORE AT  
901 LUCINDA AVENUE, DEKALB, ILLINOIS (JIBRAEEL SILAT).**

**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**, Jibraeel Silat (the "Petitioner"), the lessee of the property located at 901 Lucinda Avenue tenant space 901-P, DeKalb, Illinois legally described in Section 2 of this Ordinance (the "Property"), petitioned the City to approve a special use permit for a retail tobacco store on the Property (the "Petition"); and

**WHEREAS**, on December 19, 2022, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Petition, made findings of fact, and recommended approving the Petition; and

**WHEREAS**, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving the Petition pursuant to the provisions of this ordinance is in the public interest for the promotion of the public health, safety and welfare, and specifically find that the proposed special use permit conforms with the applicable factors contained therein as follows:

**STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UNIFIED DEVELOPMENT  
ORDINANCE ("UDO")**

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

The proposed special use will comply with all regulations of the "LC" Light Commercial District and Article 7.17 "Retail Sale of Tobacco and Related Products" of the UDO. The proposed special use will also comply with Chapter 64 "Smoking Regulations" of the Municipal Code.

- 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 "LC" Light Commercial for decades. The building contains a variety of commercial and service uses that are compatible with the proposed special use. In addition, the proposed use meets the recommendations of the City's 2022 Comprehensive Plan. Conditions are suggested in the recommendation that will prohibit smoking in the proposed tenant space and not allow an expansion of the space without an amendment to the special use permit.

- 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. Much of the area is already developed with a variety of commercial uses, the NIU campus and some multi-family housing.

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

Adequate public services are already provided to the subject tenant space. There is adequate parking to the east and north sides of the building.

- 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 uses in the LC District. The proposed special use will be in compliance with the 2022 Comprehensive Plan, UDO and Municipal Code. Adequate parking is provided on the site. Conditions are suggested in the recommendation that will prohibit smoking in the subject tenant space and not allow an expansion of the space without an amendment to the special use permit.

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

**SECTION 1:** The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities approve a special use permit for a retail tobacco store in the tenant space as shown on Exhibit A on the Property legally described as follows:

LOTS 5 AND 6 IN BLOCK 1; LOTS 1,2,3,4, AND 5 IN BLOCK 2; ALL IN WESTWOOD KNOLLS SUBDIVISION, LOCATED IN THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "G" OF PLATS, PAGE 174 AS DOCUMENT NO. 244179, IN DEKALB COUNTY, ILLINOIS; AND,

ALL OF THAT PART OF VACATED WESTWOOD ROAD LOCATED BETWEEN BLOCK 1 AND BLOCK 2 OF WESTWOOD KNOLLS SUBDIVISION, IN THE CITY OF DEKALB, AND BEING SOUTHERLY OF THE EXTENSION OF THE NORTHERLY LINE OF SAID BLOCKS, AND NORTHERLY OF THE EXTENSION OF THE SOUTHERLY LINE OF SAID BLOCKS;

ALSO THAT PART OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF GLIDDEN ACRES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "N" OF PLATS, PAGE 13; THENCE NORTH, A DISTANCE OF 33 FEET TO THE SOUTHEAST CORNER OF LOT "D" OF SAID GLIDDEN ACRES SUBDIVISION (MARKED BY AN IRON PIPE), THIS BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON THE EAST LINE OF SAID LOT "D" AND LOT "C", A DISTANCE OF 142.0 FEET; THENCE EASTERLY, 72.0 FEET TO THE NORTHWEST CORNER OF LOT 5 IN BLOCK 2 OF WESTWOOD KNOLLS SUBDIVISION; THENCE SOUTHERLY ALONG THE WEST LINE OF

SAID LOT 5, 142.0 FEET; THENCE WESTERLY, 72.0 FEET TO THE POINT OF BEGINNING, ALL IN THE CITY OF DEKALB, DEKALB COUNTY, ILLINOIS.

Common Address: 901 E. Lucinda Ave., Tenant Space P, DeKalb, IL 60115, and

Parcel Identification Numbers ("PIN's") of 08-15-351-006 and 08-15-351-007.

**SECTION 3:** The special use permit granted in Section 2 of this Ordinance shall be subject to the following conditions:

- 1) There shall be no smoking in tenant space as shown on Exhibit A;
- 2) The existing tenant space as shown on Exhibit A shall not be expanded without an amendment to the special use permit; and
- 3) The compliance of Petitioner and Petitioner's agents, employees, officers, successors, and assigns with applicable laws, regulations, ordinances, and provisions of the City's Municipal Code regarding the use, operation and taxation of a retail tobacco store.

**SECTION 4:** The City Manager or designee shall be authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

**SECTION 5:** This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

**SECTION 6:** This Ordinance 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 9<sup>th</sup> day of January 2023 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.



  
COHEN BARNES, Mayor

ATTEST:

  
Ruth A. Scott, Executive Assistant

TENANT SPACE

EXHIBIT A

901-I	901-P	901-R	901-J	901-K	901-L
Dominos	Available \$10.00 PSF	Graham Crackers	Hot Spot Deli	Available (Upper Level) \$8.00 PSF	Available (Mid Level) \$8.00 PSF
2010 SF	2010 SF	1150 SF	3015 SF	5695 SF	13065 SF
30'	30'	20'	45'	85'	195'

901-A	901-R	901-B	901-C	901-D	901-E	901-F	901-G	901-G2	901-M	901-H	901-T
Available \$6.00 PSF	Graham Crackers	La Salsa Restaurant	Barber Shop	Cast Iron Coffee	E-Sports	Available \$7.00 PSF - 3328 SF	Available \$10.00 PSF	Boost Mobile	Panda House	Sharks	Hustle Smoothie
4020 SF	1150 SF	3685 SF	938 SF	1943 SF	2144 SF	901-F2 Covid Testing 960 SF	1500 SF	1400 SF	2010 SF	2410 SF	1450 SF
60'	20'	55'	14'	29'	32'	64'	45'		30'	60'	14'



2023000784

TASHA SIMS  
RECORDER - DEKALB COUNTY, IL  
RECORDED: 2/2/2023 01:56 PM  
REC FEE: 75.00

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

PAGES: 5

**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:

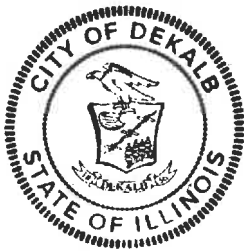
**ORDINANCE 2023-008**

**APPROVING A SPECIAL USE PERMIT FOR A RETAIL TOBACCO STORE AT 901 LUCINDA AVENUE, DEKALB, ILLINOIS (JIBRAEEL SILAT).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 9<sup>th</sup> day of January 2023.

**WITNESS** my hand and the official seal of said City this 2<sup>nd</sup> day of February 2023.

**RUTH A. SCOTT**, Executive Assistant/Recording Secretary



**Prepared by and Return to:**

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