

**APPROVING A SPECIAL USE PERMIT TO ALLOW A RETAIL TOBACCO STORE AT 830-834 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (MOHAMMAD MAJID) (P.I.N.s 08-22-152-034 and 08-22-152-010).**

**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**, Mohammad Majid (the "Applicant"), the lessee of the property located at 830-834 W. Lincoln Highway, DeKalb, Illinois that is depicted in the attached and incorporated Exhibit A (the "Tenant Space") and legally described in the attached and incorporated Exhibit B (the "Property"), petitioned the City to approve a special use permit for a retail tobacco store on the Tenant Space (the "Special Use Permit"); and

**WHEREAS**, on January 16, 2024, pursuant to due notice, the City's Planning and Zoning Commission (the "PZC") held a public hearing on the Special Use Permit, made findings of fact, and recommended approving the Special Use Permit; and

**WHEREAS**, the City's corporate authorities adopt and incorporate by reference the PZC's findings of fact, find that approving the Special Use Permit is in the public interest for the protection of the public health, safety and welfare, and specifically find that the Special Use Permit conforms with the standards provided by the City's Unified Development Ordinance (the "UDO") as follows:

**STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE 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 many years and the applicant has operated a retail tobacco store in the same shopping center for about 15 years with no negative impacts.

The proposed special use meets the recommendations of the City's 2022 Comprehensive Plan, which indicates Commercial uses for the subject tenant space. Conditions are suggested in the recommendation that will ban smoking in the approved tenant space and will require the applicant to obtain a tobacco license from the City.

- 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 of neighboring properties. Much of the area is already developed with commercial

and some multi-family residential uses. The applicant has been located in the shopping center for 15 years and has not prevented development in the area.

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

Public services and utilities are already provided to the subject property. There is adequate parking on-site for the proposed special use. The parking lot serving the proposed special use and the rest of the shopping center has 170 parking spaces and the previous use of a health food store has the same parking demand as the proposed retail tobacco store.

**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.**

The proposed special use will not be detrimental to the permitted uses in the "LC" Light Commercial 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 ban smoking in the approved tenant space and will require the applicant to obtain a tobacco license from the City.

**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 as Section 1 to this Ordinance.

**SECTION 2:** The City's corporate authorities adopt, approve, and grant the Special Use Permit for a retail tobacco store on the Tenant Space, subject to the following conditions: (1) Applicant and Applicant's successors shall obtain a tobacco license from the City prior to selling of tobacco products; (2) No smoking shall be allowed on the Tenant Space; and (3) Applicant and Applicant's successors shall comply with all ordinances, regulations, laws, and provisions of the City's Municipal Code pertaining to the use, development, maintenance, ownership, regulation, and taxation of the Tenant Space as a retail tobacco store..

**SECTION 3:** The City Manager is authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

**SECTION 4:** 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 5:** 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 22<sup>nd</sup> day of January 2024 and approved by me as Mayor on the same day. First Reading passed by a 6-1-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Verbic, Barnes. Nay: Walker. Absent: McAdams. Second Reading waived by a 6-1-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Verbic, Barnes. Nay: Walker. Absent: McAdams.



  
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COHEN BARNES, Mayor

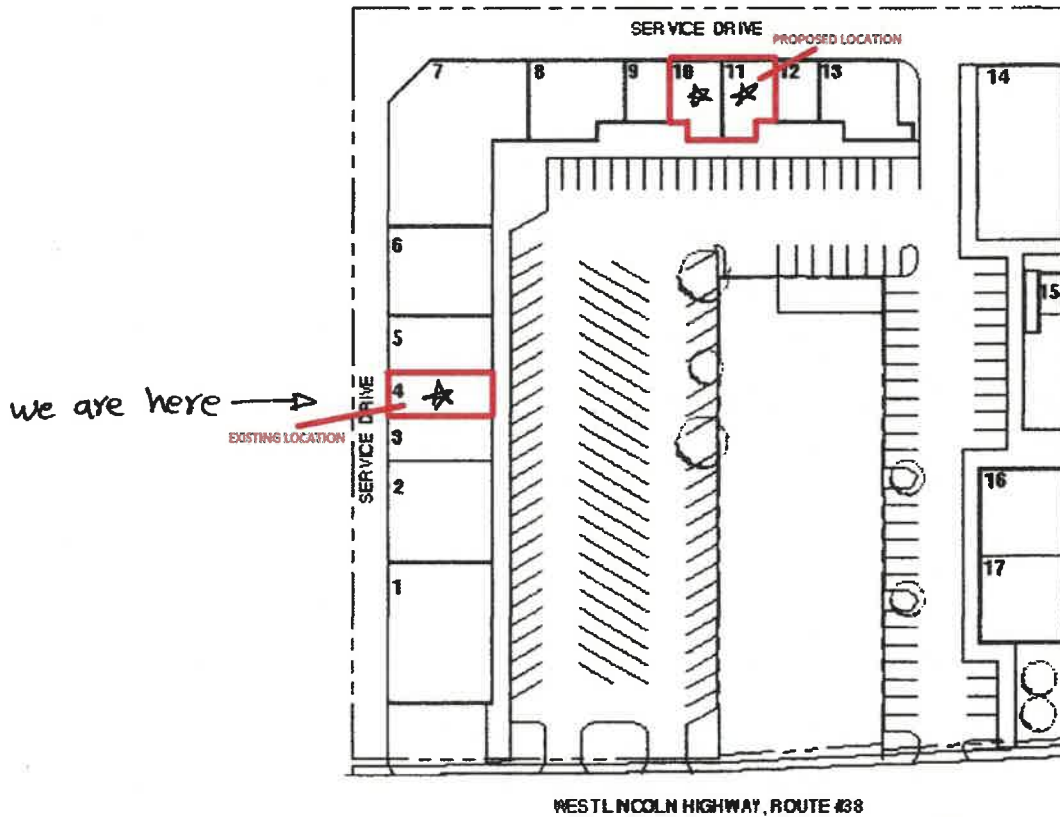
ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A

We move here 10,11



WEST LINCOLN HIGHWAY, ROUTE #38

JUNCTION SHOPPING CENTER  
858 WEST LINCOLN HIGHWAY  
DEKALB, ILLINOIS 60115



[www.junctioncenter.com](http://www.junctioncenter.com)

**EXHIBIT B**  
**(Legal Description of the Property)**

The Property is legally described as:

THE WEST 10 FEET OF LOT 8 AND ALL OF LOTS 9 AND 10, IN BLOCK 4 IN NORMAL PARK ADDITION TO THE CITY OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 20, (EXCEPTING THEREFROM THE NORTHERLY 8 FEET OF THE WEST 10 FEET OF SAID LOT 8 AND THE NORTHERLY 8 FEET OF SAID LOTS 9 AND 10, AS CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION BY DEED RECORDED JUNE 26TH, 1975 AS DOCUMENT NO. 387038) SITUATED IN DEKALB COUNTY, ILLINOIS, COMMONLY KNOWN AS STORE NUMBERS 1-10 INCLUSIVE IN THE JUNCTION SHOPPING CENTER.

Common Address: 830-834 W. Lincoln Highway, DeKalb, IL 60115

Parcel Identification Number ("PIN"): 08-22-152-034 and 08-22-152-010.



2024000618

**TASHA SIMS**

**RECORDER - DEKALB COUNTY, IL**

**RECORDED: 1/26/2024 02:35 PM**

**REC FEE: 55.00**

**PAGES: 6**

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

**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 2024-006**

**APPROVING A SPECIAL USE PERMIT TO ALLOW A RETAIL TOBACCO  
STORE AT 830-834 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS  
(MOHAMMAD MAJID) (PINs 08-22-152-034 and 08-22-152-010).**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 22<sup>nd</sup> day of January 2024.

**WITNESS** my hand and the official seal of said City this 26<sup>th</sup> day of January 2024.

**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