

APPROVING A SPECIAL USE PERMIT FOR AN AMUSEMENT ESTABLISHMENT AT 901 LUCINDA AVENUE, DEKALB, ILLINOIS (THE WRECK ROOM – MILES MAPES).

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, Miles Mapes (the “Petitioner”), the lessee of the property located at 901 Lucinda Avenue, Unit G, DeKalb, Illinois depicted in the attached and incorporated Exhibit A (the “Property”) and legally described in the attached and incorporated Exhibit B (the “Legal Description”), petitioned the City to approve a special use permit for an amusement establishment to include a retro gaming lounge and arcade room, pinball games, rage room (smash room), and splatter room on the Property (collectively, the “Special Use”); and

WHEREAS, on August 5, 2024, pursuant to due notice, by the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Special Use, made findings of fact, and recommended approving the Special Use; and

WHEREAS, the City’s corporate authorities adopt and incorporate by reference the PZC’s findings of fact and recommendation that approving the Special Use for the Property is in the City’s best interests for the protection of the public health, safety and welfare, and further find that the Special Use conforms to the applicable standards as follows:

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

1. The Special Use complies with all provisions of the applicable district regulations.

The Special Use will comply with all regulations of the “LC” Light Commercial District and the UDO.

2. The 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 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 Special Use. An e-sports establishment is located two tenant spaces away. In addition, the Special Use fits in well with the adjacent university and meets the recommendations of the City’s 2022 Comprehensive Plan.

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 the neighboring properties. The building already has a variety of commercial and service uses that will be compatible with the Special Use. With the proximity of NIU, the proposed location is ideal for students and other residents interested in the proposed amusement establishment.

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 Special Use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. With the proximity of NIU, the proposed location is ideal for students and other residents interested in the proposed uses. The proposed special use will be in compliance with the 2022 Comprehensive Plan. Adequate parking is provided to the east and north of the building.

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, authorize, and grant a special use permit for an amusement establishment to include a retro gaming lounge and arcade room, pinball games, rage room (smash room) and splatter room in the tenant space on the Property, subject to the following conditions:

- A. Petitioner's compliance with Petitioner's representations made to the PZC and the City Council regarding the Special Use; and
- B. Petitioner's compliance with applicable laws, regulations, ordinances, and provisions of the City's Municipal Code regulating the ownership, maintenance, use, and taxation of the Special Use on the Property; and
- C. The hours of operation for the amusement establishment shall be as follows: Thursday - 4:00 PM to 10:00 PM, Friday - 4:00 PM to 10:00 PM, Saturday - Noon to 11:00 PM and Sunday - Noon to 8:00 PM; provided, however, that the hours of operation may be amended by the written consent of the City Manager.

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 12th day of August 2024 and approved by me as Temporary Chair on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker. Nay: None. Absent: Barnes. Second Reading waived by a 7-0-1 roll call vote. Aye: Zasada, Larson, Smith, Perkins, Powell, Verbic, Walker. Nay: None. Absent: Barnes.



A handwritten signature in cursive script, appearing to read "Barb Larson", is written over a horizontal line.

Barb Larson, Temporary Chair

ATTEST:

A handwritten signature in cursive script, appearing to read "Ruth A. Scott", is written over a horizontal line.

Ruth A. Scott, Executive Assistant

EXHIBIT A
Village Commons Shopping Center
DeKalb, Illinois

Diagram Not To Scale

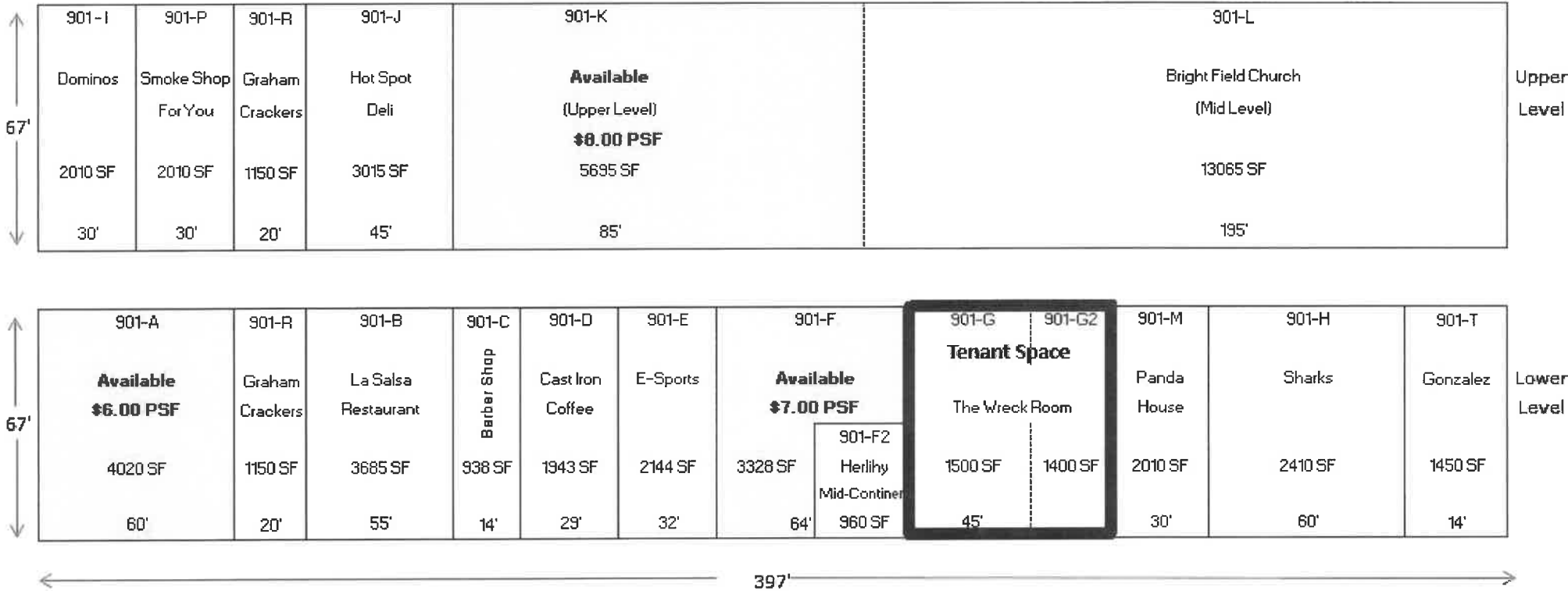


EXHIBIT B
(Legal Description)

The Property is 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 Lucinda Ave., tenant space G, DeKalb, IL 60115;
PIN (partial): 08-15-351-007