

AUTHORIZING A SPECIAL USE PERMIT FOR A FAST FOOD RESTAURANT AND DRIVE-THRU ALONG WITH FOR PROPERTY LOCATED AT 446-460 E. LINCOLN HIGHWAY, DEKALB, ILLINOIS (DUNKIN DONUTS OR SUBWAY).

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the City of DeKalb has conducted all hearings and satisfied all conditions precedent to the issuance of a lawful Special Use Permit for the Fast Food Restaurant located at 446 - 460 E. Lincoln Highway; and,

WHEREAS, the City of DeKalb City Council has determined that it is necessary to approve such Special Use Permit in order to properly and adequately protect the public health, safety, welfare and morals; and,

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. Approval of the final plat of subdivision.

The City of DeKalb hereby approves the Final Plat of Subdivision for the DeKalb Retail Subdivision.

Section 2. Special Use Permit Approved.

The City of DeKalb hereby authorizes and approves the issuance of a Special Use Permit for the Fast Food Restaurant located at 446 – 460 E. Lincoln Highway, subject to the following conditions:

- 1) This Special Use Permit shall be limited to the facilities as depicted in the plans and application included within the Planning and Zoning Commission backup materials, which are expressly incorporated herein by reference, subject to the applicable provisions of the City of DeKalb Unified Development Ordinance.
- 2) This approval shall include approval of the proposed drive-thru facilities.

Section 3. All ordinances or portions thereof in conflict with this ordinance are hereby repealed. All agreements in violation of the terms of this Ordinance shall be terminated, effective immediately.

Section 4. 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.

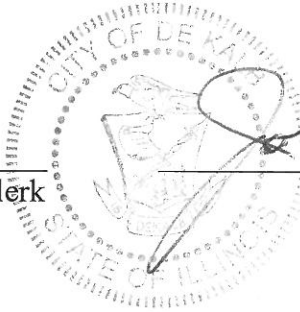
Section 5. This Ordinance shall be in full force and effect after passage and publication pursuant to law. Publication date: February 23, 2016. Effective date: March 3, 2016.

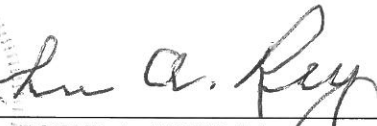
PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 22nd day of February, 2016 and approved by me as Mayor on the same day. Passage on First Reading, Waiver of Second Reading. Passed on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey.

ATTEST:



JENNIFER JEEP JOHNSON, City Clerk





JOHN A. REY, Mayor