ORDINANCE 2017-006    PASSED: FEBRUARY 13, 2017

AUTHORIZING AN AMENDMENT TO A SPECIAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF A RESTAURANT WITH DRIVE-THROUGH AT 1115 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS (BOOM REAL ESTATE – SONIC RESTAURANT).

WHEREAS, Boom Real Estate Development, (herein referred to as “Owner”) of the property commonly known as 1115 W. Lincoln Highway, DeKalb, Illinois (herein referred to as “Subject Property”), has petitioned the City of DeKalb for approval of an amendment to a special use permit, approved via Ordinance 2006-025, in order to accommodate an approximately 3,480 square foot restaurant with drive-through; and

WHEREAS, the Subject Property is located in the “GC” General Commercial District within the City of DeKalb (the “City”); and

WHEREAS, pursuant to Section 12.08 of the Unified Development Ordinance, the Owner of the Subject Property also petitioned the City of DeKalb Planning and Zoning Commission for a parking variation to reduce the number of required parking spaces from 41 to 31; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on January 25, 2017; and

WHEREAS, on January 25, 2017, The Planning and Zoning Commission reviewed the evidence presented in support of the requested variation, made findings of fact, and recommended approval of the variation; and

WHEREAS, on January 25, 2017, the Planning and Zoning Commission also reviewed the evidence presented in support of the requested amendment to special use to allow a restaurant with drive-through, found the amendment still met the findings for a special use and recommended approval of the amendment to special use; and

WHEREAS, the City Council has reviewed the findings and recommendations described above, adopts the findings made by the Planning and Zoning Commission, and now determines that it would be in the best interest of the City of DeKalb to grant said approvals, subject to the terms and conditions established by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. The recitals set forth in the preamble are hereby incorporated herein by reference and made a part of this Ordinance.
Section 2. This Ordinance is limited and restricted to the Subject Property legally described as follows:

PART OF LOT 5 AS DESIGNATED UPON WILLARD ORCHARD, A SUBDIVISION AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 41 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH, 87°06'44" WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 233.14 FEET; THENCE NORTH 00°03'55" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 45.06 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 38 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00°03'55" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 270.90 FEET; THENCE NORTH 89°53'12" WEST, A DISTANCE OF 133.78 FEET TO A LINE WHICH LIES 366.29 FEET WEST OF THE EAST LINE OF SAID LOT 5; THENCE SOUTH 00°03'55" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 89.97 FEET; THENCE NORTH 87°06'44" EAST, A DISTANCE OF 8.96 FEET; THENCE SOUTH 00°03'55" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 187.94 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 38; THENCE NORTH 87°06'44" EAST, ALONG THE NORTH RIGHT OF WAY LINE OF ILLINOIS ROUTE 38, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.80 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS OF RECORD, ALL SITUATED IN THE CITY OF DEKALB, DEKALB COUNTY, IL.

The aforementioned legal description is comprised of Parcel Identification Number (PIN) 08-21-276-028. The property is located at 1115 W. Lincoln Highway, DeKalb IL 60115.

Section 3: An amendment to a Special Use Permit, approved via Ordinance 2006-025, is hereby granted for the Subject Property to authorize a restaurant with drive-through.

Section 4: The approval granted in Section 3 herein is granted subject to the following conditions:

1. Within one year after approval of the special use permit, the applicant shall donate the sum of $5,000 to the City for the purpose of paying a portion of the cost of future decorative lighting within the Lincoln Highway Right of Way.

2. The Subject Property shall be developed and maintained at all times in substantial compliance with the Approved Plans identified in Exhibit A, subject to revisions as may be required and acceptable to the Community Development Director or designee.
3. The applicant shall consent to the establishment of a backup Special Service Area on terms and conditions acceptable to the City.

Section 5. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

Section 6. 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 7. That all provisions of the Unified Development Ordinance shall remain in full force and effect and this Ordinance shall take effect upon its passage and approval according to Law. The City Clerk or designee shall record a copy of this Ordinance and the Approved Plans included herein after execution of this Ordinance.


ATTEST:

JENNIFER JEEP JOHNSON, City Clerk

JOHN A. REY, Mayor
Exhibit A

Site Plan

- Site Plan (Sheet SP1) prepared by Sonic Corp. dated 1-16-17
- Architectural Elevations prepared by Arc Vision, Inc. dated 1-17-17
- Landscape Plan (2 sheets) prepared by Arc Vision, Inc. dated 1-17-17
- Photometric Plan prepared by Sonic dated 1-31-17
- Sonic Ground Sign Detail Sheet prepared by Cook Sign and Service dated 1-16-17
- Wall Sign Detail prepared by Sign Resource dated 8-20-15
- Directional Sign Detail prepared by Sign Resource dated 8-20-15
- Canopy Detail prepared by the Howard Company received on 1-13-17.
January 30, 2017

The Honorable John Rey
Mayor, City of DeKalb & City Council
200 South Fourth Street
DeKalb, IL 60115

RE: Request to waive 2nd reading of Ordinance Amending SUP 06-25.

Dear Mayor Rey & DeKalb City Council:

Following the unanimous support from the City of DeKalb Planning & Zoning Commission concerning the amendment of SUP Ord. No. 06-25, Sonic Restaurants, Inc. respectfully requests the City Council waive the second reading requirement to accept the Ordinance upon the first reading allowing for the re-development of the location into a Sonic Drive-in restaurant.

We appreciate your consideration with this request. Should you have any questions or comments related to the request please do not hesitate to contact me.

Sincerely,

Wade Harden
Sonic Restaurants, Inc.
(972)832-2048
STAFF REPORT
January 20, 2017

TO: Planning and Zoning Commission (Board of Appeals)

RE: Sonic – Amendment to Special Use Permit, Variance and Site Plan (1115 W. Lincoln Highway)

I. GENERAL INFORMATION

A. Purpose

Amendment to special use permit for a restaurant with drive-through approved via Ordinance No. 06-25; variance to reduce the number of required parking spaces from 41 to 31 and approval of a site plan to allow for the development of a Sonic Restaurant with drive-through.

B. Owner/Applicant

Weaver Enterprises LTD/Seth Wolken - Boom Real Estate Development

C. Location and Size

1115 W. Lincoln Highway; .8 acres

D. Access

W. Lincoln Highway and Annie Glidden Road via private drive

E. Existing Zoning and Land Use

“GC” General Commercial with a special use permit for a drive-through restaurant/ former KFC/Long John Silver’s

F. Surrounding Zoning and Land Use

North—“GC” General Commercial; gas station, restaurant, NIU
South—“LC” Light Commercial; former motel and car wash
East—“GC” General Commercial; various commercial uses
West—“GC” General Commercial; restaurant with drive-thru, various commercial uses.

G. Comprehensive Plan Designation

Commercial
II. APPLICANT'S REQUEST

Boom Real Estate Development has submitted development applications that, if approved, would result in establishment of a Sonic Restaurant in an existing 3,480 sq. ft. building at 1115 W. Lincoln Highway. The property is zoned “GC” General Commercial and is the site of a former KFC/Long John Silver’s, which closed in late 2015. A Wendy’s Restaurant had occupied the site prior to the KFC/LJS before being destroyed by fire. In 2006, the City approved a special use permit to allow for a restaurant with a drive-through facility on the subject site for KFC/LJS. The ordinance that approved the special use had several conditions including approving a specific plan and requiring certain building materials and landscaping. The applicant is not proposing to change the general layout of the site, however proposed improvements to the building elevations, and adding new signage and landscaping requires an amendment to the existing special use permit. In addition, a variance is being requested to reduce the number of required parking spaces on the site.
III. DISCUSSION AND ANALYSIS

Site Layout and Roadway Access

The general layout of the site will remain and no changes are proposed to the existing access points off of Lincoln Highway. There is a one-way traffic flow around the building with vehicles entering the site at the eastern access point off of Lincoln Highway and exiting at the western access. Access can also be gained to the northeast portion of the site through a private parking lot that connects to Annie Glidden Road. The drive-through access and lane will remain and can accommodate over 5 vehicles. A pedestrian access is proposed to be added from the existing sidewalk along Lincoln Highway to the front of the building.

Architectural Elevations

The applicant is proposing changes to the building elevations to accommodate the new Sonic Restaurant. They have worked with staff and have added additional masonry materials to the building from their original submittal. The existing brick columns at the base of the building will remain and several areas of EIFS (dryvit) and tile on the building will be replaced with Kurastone material (stacked stone wall panels).

Current Building Elevation - From Lincoln Highway
Signs

Sonic will be keeping the former ground sign the KFC/LJS had and will be installing a new sign panel with the Sonic logo. The ground sign is 50 sq. ft. and nine foot in height and meets the standards of the UDO. Wall signage reflecting the Sonic brand will be added to the building and signage will be placed on the property directing vehicles in and out of the site and to the drive-through.

Landscaping

The existing landscaping on-site will remain and the applicant will be adding six trees on the site to be in further compliance with the UDO. The trees will be added along the east and west perimeter yards and to the north parking lot island.
Street and Parking Lot Lighting

The developer has agreed to donate $5,000 to the City for the purpose of paying for a portion of the costs of future decorative lighting within the Lincoln Highway Right-of-Way. At the request of the Police Department, the applicant is proposing to add a parking lot light at the far north end of the site to increase the illumination for the northern parking area. The lighting on the site meets the standards of the UDO.

Parking – Variance Request (Reduce the number of required parking spaces from 41 to 31).

The parking formula, per the UDO, for fast food restaurants is one space for every two seats, plus one space for every employee on the maximum shift. The proposed floor plan provided indicates 70 seats (reduced from 80 seats with the KFC/LJS) with six employees on the maximum shift resulting in 41 required parking spaces. There are 31 existing spaces on the site and the applicant is proposing to maintain them. Four parking spaces at the north end of the parking aisle along the east side of the building will be turned into canopy stalls with the drive-in service islands.

During the review of the KFC/LJS in 2006, the number of required spaces was just over 40 (based upon 80 seats) and the number of spaces provided on the plans was only 22. The staff and Plan Commission recommended a minimum of 30 parking spaces be provided on-site and the ordinance approving the special use stated as one of the conditions of approval “The number of parking spaces provided on-site is maximized as safely as possible”. Additional parking was added to the north end of the site and the total number of spaces increased to 31. City documents at that time recognized that the project was a redevelopment of a lot that was limited in size, with no opportunity to add parking spaces.

As part of their variance petition submittal, the applicant submitted documentation to support the variance request. The applicant provided an exhibit showing an existing Sonic Restaurant that has 66 seats and 6 employees on the maximum shift that would result in 39 required spaces per our UDO requirements. The site has 20 parking spaces, which is 19 fewer than required if DeKalb’s’ standards were used. The applicant’s variance request is for 10 fewer parking spaces than required.

IV. STANDARDS OF FINDING OF FACT FOR VARIATIONS

The applicant is requesting a variance to reduce the number of required parking spaces from 41 to 31. The request has been reviewed using the criteria regarding variances stated in Article 18, Section 18.03.03 of the UDO, titled "Findings of Fact," as follows:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of that district.

The proposed restaurant with drive-through will be locating on a site that previously contained the same use. The subject property is narrow and small for a restaurant with drive-through with no room for additional parking spaces. It is anticipated the subject site will have more drive-through traffic and walk up customers than a standard Sonic Restaurant. The applicant provided a site plan from a similar Sonic Restaurant that has
a larger gap between required and provided parking spaces than the subject site. The strict enforcement of the parking regulations on this narrow lot will impede the redevelopment of the property with a quick service restaurant.

2. **The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.**

The subject site has contained two previous fast food restaurants with a drive-through and the last tenant was allowed to have a reduction in parking via a special use permit approved by Ordinance No. 06-25. The existing conditions are not a result of the applicant, rather due to the characteristics of the lot and the past development of the property as a fast food restaurant with drive-through.

3. **The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.**

The subject property is narrow and small, however the previous restaurant with drive-through, approved via Ordinance No. 06-25, functioned in a manner that was not detrimental to the public health and safety. Being required to comply with the UDO would prevent the applicant from reusing the subject property since there is limited space to add parking spaces.

4. **The denial of the proposed variance will deprive the applicant of the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.**

The other fast food restaurants with drive-through’s along W. Lincoln Highway have larger lots than the subject property (.8 acres) including Popeye’s at 1.5 acres (shares parking with adjacent lot), Taco Bell at .86 acres and Culvers with 1.3 acres. Denial of the request will severely reduce the size of the dining room seating creating a site no longer viable for the use it was developed for.

5. **The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.**

The proposed variance relates to parking and will not affect the structure on the subject property.

**VII. CONCLUSIONS AND RECOMMENDATIONS**

The proposed amendment to the special use permit, variance request and site plan will allow the redevelopment of a former fast food restaurant with drive-through into the same use and will offer improvements to the site including the building, landscaping and lighting.

Two separate actions are required by the Planning and Zoning Commission, a recommendation to the City Council regarding the special use permit and site plan, and
action on the parking variation request. Two sample motions are provided for the PZC's consideration:

**Sample Special Use Permit and Site Plan Motion:**

Based upon the submitted petition and testimony presented, I move that the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of an amendment to a special use permit for a restaurant with drive-through approved via Ordinance No. 06-25, and approval of a site plan, as listed on Exhibit I, to allow for the development of a new restaurant with drive-through and subject to the following conditions:

1. A revised photometric plan shall be submitted indicating a new parking lot light along the northern portion of the subject property.

2. Within one year after approval of the special use permit, the applicant shall donate the sum of $5,000 to the City for the purpose of paying a portion of the cost of future decorative lighting within the Lincoln Highway Right of Way.

**Sample Variation Motion:**

Based on the submitted petition, testimony presented and findings of fact, I move that the Planning and Zoning Commission approve a variation to reduce the number of required parking spaces from 41 to 31 on the property subject to the following conditions:

1. The subject site is developed per the Site Plan (Sheet SP 1) prepared by Sonic Corp. dated 1-16-17.
Exhibit I

Site Plan

- Site Plan (Sheet SP1) prepared by Sonic Corp. dated 1-16-17
- Architectural Elevations prepared by Arc Vision, Inc. dated 1-17-17
- Landscape Plan (2 sheets) prepared by Arc Vision, Inc. dated 1-17-17
- Photometric Plan prepared by Sonic dated 12-30-16
- Sonic Ground Sign Detail Sheet prepared by Cook Sign and Service dated 1-16-17
- Wall Sign Detail prepared by Sign Resource dated 8-20-15
- Directional Sign Detail prepared by Sign Resource dated 8-20-15
- Canopy Detail prepared by the Howard Company received on 1-13-17.
Parking Requirements
6 Employees Per Shift = 6 Stalls
70 Dining Room Seats = 35 Stalls
Total Required = 41 Stalls
Total Provided = 31 Stalls
* Variance Request Submitted
SIGN HEIGHT = 9' (5' SIGN + 4' BASE)
**SONIC**  
1022 W. Wilson Avenue  
Chicago, IL 60640

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**DeKalb Parking Req.**

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KFC / LJS Co-Brand
1115 W. Lincoln Hwy.
DeKalb, IL 60115

### Parking Data

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### DeKalb Parking Req.

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**SONIC (Proposed)**
1115 W. Lincoln Hwy.
DeKalb, IL 60115

**Parking Data**

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**DeKalb Parking Req.**

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SONIC DIRECTION SIGNS

1' - 6''

3' OAH

3'

Drive Thru

Enter

Exit
ORDINANCE 06-25    Passed: March 27, 2006

APPROVING A SPECIAL USE PERMIT TO ALLOW A RESTAURANT WITH A DRIVE-THROUGH ON PROPERTY ZONED “GC” GENERAL COMMERCIAL AT 1115 WEST LINCOLN HIGHWAY.

WHEREAS, Weaver Enterprises has filed a petition with the City Clerk of the City of DeKalb, Illinois, for a special use permit to allow a restaurant with a drive-through facility on property zoned “GC” General Commercial at 1115 West Lincoln Highway; and,

WHEREAS, the DeKalb Plan Commission held a public hearing and reviewed the request on March 15, 2006 and recommended approval of the special use permit by a vote of 5-0, subject to conditions; now,

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. That a special use permit to allow a restaurant with a drive-through facility on property zoned “GC” General Commercial at 1115 West Lincoln Highway be approved, to be constructed to substantially conform to the attached Exhibit “A” and subject to the following conditions:

1. The number of parking spaces provided on-site is maximized as safely possible.
2. The drive aisle on the east side of the site is maintained as a one-way path circulating counterclockwise. The parking along the east side of the building is to be angled to 45 or 60 degrees to conform to the direction of the one-way traffic aisle.
3. Use of the two (2) curb cuts onto IL Route 38 is contingent upon Illinois Department of Transportation approval.
4. The site plan is amended to depict appropriate landscape buffers on the north, east and south sides of the property. The landscaping that would be required along the west side of the property may be relocated to another landscaping area on the site. Strategic clustering of landscaping elements is recommended.
5. The principal structure will be constructed with brick and EIFS in neutral earth tones, in a manner similar to what is depicted on exhibits to be attached to the ordinances for these requests. The awnings and trim will be of a single, matching solid color. The building’s other design details will match the rest of the building in style and scale, so as to avoid the appearance of two different, disjointed storefronts on a single building.
6. The Applicant verifies the cross-access easement to the Road Ranger property to the east.
7. All signage will comply with the provisions set forth in UDO Article 13, including not being permitted to use the likeness of an individual person in their signage.
8. The site plan addresses the comments identified in Engineering Department Memorandum 2006-015, Fire Prevention Site Plan Review Memo 2/7/2006, and DeKalb Sanitary District Project Review Memo #2.

Section 2. That all provisions of the Unified Development Ordinance shall remain in full force and effect, and this Ordinance shall take effect upon its passage and approval according to law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting, held on the 27th day of March, 2006 and approved by me as Mayor on the same day. First and second reading on March 27, 2006. Roll call vote 7-0. Aye: Harris, Povlsen, Kapitan, Gorski, Conboy, Baker, Barr.

ATTEST:

[Signatures]
DONNA S. JOHNSON, City Clerk

FRANK VAN BUER, Mayor
1115 W. Lincoln Hwy.
Subject Property
July 7, 2017

VIA UPS OVERNIGHT
Dean M. Frieders, City Attorney
City of DeKalb
200 S. Fourth Street
DeKalb, IL 60115

Re: Dekalb, IL

Dear Mr. Frieders:

Enclosed please find an original Waiver of Objection to Special Service Area signed by Sonic Restaurants, Inc.

Sincerely,

Vicky Calhoun
Legal Assistant to Christopher R. Graves

Enclosures
Waiver of Objection to Special Service Area

STATE OF ILLINOIS
) SS.
COUNTY OF DEKALB
)

Waiver of Objection to Special Service Area

NOW COMES the affiant, Andrew G. Ritger, Jr., as Senior Vice President of SONIC RESTAURANTS, INC., an Oklahoma corporation (the "Owner"), states as follows:

1. That Owner has negotiated with the City of DeKalb regarding the improvement of its property located at 1115 W. Lincoln Highway, legally described on the attached Exhibit 1 (the "Property"), with said improvements consisting generally of the construction of a restaurant with drive-through in accordance with the approved plans therefor.

2. That Owner is aware that, as a condition of approval of the permits required for construction of the above-described improvements, and the approval of a special use permit, the City is requiring the creation of a backup/dormant maintenance Special Service Area to provide a backup source of funding to maintain common, private improvements located on and/or servicing the Property. Owner agrees and covenants that this Waiver of Objection has been executed to demonstrate that it does not object to the creation of an SSA (as contemplated on Exhibit 2), and acknowledges that the City is relying upon the execution of this waiver in approving the construction permit that it otherwise would not be obligated to approve.

3. That Owner is presently the owner of the Property.

4. That, having been ably represented by its own counsel and having been fully apprised of its right and ability to object to the creation of a special service area, Owner seeks to formally waive any such objection to the creation and imposition of a special service area, according to the terms and purposes announced in the attached Exhibit 2, and further affirmatively indicates Owner's consent to those terms to create and implement the backup special service area.

5. That Owner has submitted this Waiver of Objection to Special Service Area to the City of DeKalb, for the purpose of waiving any objection it, as the owner of the Property which shall be subject to the special service area upon creation, may otherwise have. This waiver of objection shall be binding upon all subsequent owners of the Property, and may be recorded against the Property.

FURTHER, AFFIANT SAYETH NAUGHT.

Owner: SONIC RESTAURANTS, INC.

By: [Signature]
Name: Andrew G. Ritger, Jr.
Title: Senior Vice President
SUBSCRIBED AND SWORN
to before me this 7th day of
July 2017

[Signature]
NOTARY PUBLIC
EXHIBIT 1

PART OF LOT 5 AS DESIGNATED UPON WILLARD ORCHARD, A SUBDIVISION AS SHOWN BY THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 41 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH, 87°06'44" WEST ALONG THE SOUTH LINE OF SAID LOT 5, A DISTANCE OF 233.14 FEET; THENCE NORTH 00°03'55" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 45.06 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 38 TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 00°03'55" EAST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 270.90 FEET; THENCE NORTH 89°53'12" WEST, A DISTANCE OF 133.78 FEET TO A LINE WHICH LIES 366.29 FEET WEST OF THE EAST LINE OF SAID LOT 5; THENCE SOUTH 00°03'55" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 89.97 FEET; THENCE NORTH 87°06'44" EAST, A DISTANCE OF 8.96 FEET; THENCE SOUTH 00°03'55" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 5, A DISTANCE OF 187.94 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 38; THENCE NORTH 87°06'44" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 38, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.80 ACRES, MORE OR LESS, SUBJECT TO EASEMENTS OF RECORD, ALL SITUATED IN THE CITY OF DEKALB, DEKALB COUNTY, IL.

The aforementioned legal description is comprised of Parcel Identification Number (PIN) 08-21-276-028 and commonly known as 1115 W. Lincoln Highway, DeKalb, IL 60115.
Exhibit 2: Proposed Terminology for Special Service Area

The purpose of the formation of special service area (the "Special Service Area" or "Area") in general is to authorize the maintenance, repair, regular care, renewal and replacement of the following: grass, pruning and trimming of trees and bushes, removal and replacement of diseased or dead landscape materials, maintenance of underground stormwater facilities, repair and replacement of monument signs, storm sewers and related areas and appurtenances, landscape buffers and related areas and appurtenances, in the Special Service Area, as well as the provision of snow removal services on public sidewalks along or within the area all in accordance with the final engineering plan and final plat of subdivision for the Property. The proposed municipal services are unique and are in addition to the improvements provided and/or maintained by the City generally.

Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable property owner fails to maintain, repair or replace the aforesaid required items and the City chooses to assume some or all of said responsibilities. In such event, there will be considered the levy of an annual tax of not to exceed an annual rate of two hundred hundredths percent (2.0%, being 200¢ per $100) of the equalized assessed value of the Property in the proposed Special Service Area, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. The City may levy taxes at any time under the Special Service Area, and may choose to offer none, some or all of the enumerated special services. Proceeds raised by the levy shall only be used as permitted by law.