

RESOLUTION 2018-123 PASSED: SEPTEMBER 10, 2018

AUTHORIZING A PACKAGE LIQUOR LICENSE WITH SUPPLEMENTAL DRIVE-THROUGH LICENSURE FOR HAYMAKER ENTERPRISES, INC., 1221 W. LINCOLN HIGHWAY, DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb regulates the sale of alcoholic beverages within the corporate limits of the City pursuant to the applicable provisions of the Illinois Liquor Control Act and Chapter 38 of the City Code of Ordinances; and

WHEREAS, the City has received and reviewed an application for a Package Liquor License with supplemental licensure for drive-through operations, for the establishment located at 1221 W. Lincoln Highway, DeKalb, Illinois, and to be operated by Haymaker Enterprises, Inc., and the City Council has determined that it is appropriate to issue said licenses to the establishment;

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

Section 1: A liquor license, Package, with supplemental license for a drive-through, shall be issued for Haymaker Enterprises, Inc., 1221 W. Lincoln Highway, DeKalb, Illinois ("Licensee") subject to the following terms and conditions:

1. After issuance, the license shall be subject to all provisions of the City Code of the City of DeKalb, including those provisions pertaining to the term of an initial issuance of liquor license, renewal of liquor license, and similar provisions, unless specifically waived herein.
2. This Licensee shall be required to obtain the Liquor Commissioner's approval of a Business Plan and Premises Plan which provide for the orderly conduct of the Licensee. Said Plans shall be subject to approval by the Liquor Commissioner with the advice and recommendation of the Chief of Police, and must be approved prior to commencement of operations of the Premises. The City Council expressly authorizes the Liquor Commissioner to approve of further and specific regulations of the uses of the Premises within the Business Plan and Premises Plan, either as initially approved or as later amended by the Liquor Commissioner.
3. The License shall be conditioned upon the following conditions precedent to final issuance:
 - a. The applicant shall be required to obtain all required zoning approvals and special use permits;
 - b. The applicant shall be required to obtain and maintain at all times a fire life safety license for the licensed premises;

- c. The applicant shall be required to obtain all required building permits for interior and exterior modifications, to complete all modifications in accordance with approved plans, and thereafter to obtain an acceptable final inspection of the premises;
 - d. The applicant shall be required to obtain the Liquor Commissioner's approval of its business plan, premises plan and security plan with the recommendation of the Chief of Police;
 - e. The applicant shall be required to adhere to the occupancy limit, once established; and,
 - f. The applicant shall operate the premises in accordance with all applicable codes and ordinances, and shall collect and remit all taxes required under applicable federal, state or local laws.
4. The License shall be deemed to permanently include the following restrictions:
- a. The property shall otherwise comply with all applicable City Codes and Ordinances.
 - b. The property shall comply with applicable UDO requirements and parking restrictions.
 - c. The License authorize the construction of one drive-through window for the sale of alcoholic beverages as a supplemental license to the Package liquor license.
 - d. The drive-through shall require the following security measures:
 - i. Proximity alert for vehicles in the drive-through.
 - ii. Video surveillance cameras with a recording system showing view of: a) license plates for vehicles in the drive-through; b) transaction area; c) driver of vehicle; d) rear seat area of vehicle; e) rear of car; f) interior of package liquor store (including entryway); and, g) common area and parking lot. Licensee shall grant the City of DeKalb Police Department access to view camera footage at any time during normal business hours upon request, and if available, will provide the Police Department with remote access to be able to view camera footage through a secure online portal.
 - iii. Alarm with panic button.
 - iv. Bullet-resistant surround at drive-through window.
 - v. Compliance with all requirements of the City Code pertaining to drive-through use in liquor sales.

5. The City Council expressly acknowledges that based upon the timing required for approval of related zoning authorization as well as for construction of the licensed premises, the Licensee shall have a period of one year during which this license shall be available for issuance, unless earlier terminated or revoked by the City Council through approval of a resolution superseding this action. This one-year period may be extended by the City Manager for a period of up to six additional months (or longer if authorized by the City Council) if the Licensee has applied for and obtained any required zoning and building approvals and is working diligently towards completion of the licensed premises.

6. At any time prior to issuance of the license, the Licensee may change the corporate name of the licensee to be listed on the liquor license (provided that ownership remains with the Licensee or its owners), it being acknowledged that the Licensee intends to form a new corporate entity (under common ownership) to own and operate the licensed premises.



City staff are authorized and directed to issue a license upon satisfaction of the conditions precedent to issuance, and to thereafter enforce the terms of licensure included herein. Pending completion of those items, a conditional license shall issue. Said conditional license may be utilized to obtain any required federal or state licensure and may be relied upon by any superior governmental body.

Section 2: That the City Clerk of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's Signature and shall be effective thereupon.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 10th day of September, 2018, and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

ATTEST:


LYNN A. FAZEKAS, City Clerk

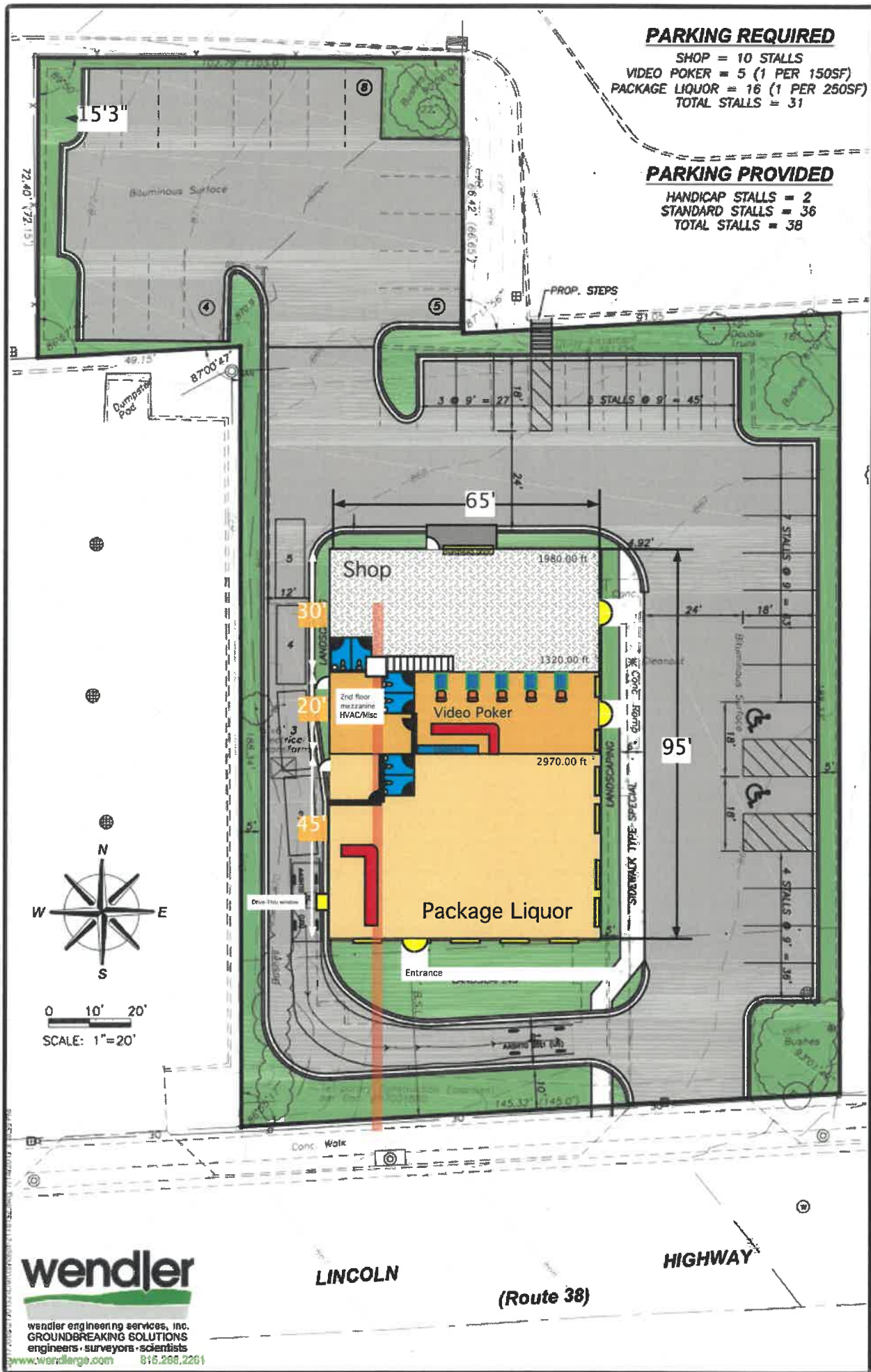


JERRY SMITH, Mayor

PARKING REQUIRED

SHOP = 10 STALLS
VIDEO POKER = 5 (1 PER 150SF)
PACKAGE LIQUOR = 16 (1 PER 250SF)
TOTAL STALLS = 31

PARKING PROVIDED

HANDICAP STALLS = 2
STANDARD STALLS = 36
TOTAL STALLS = 38



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FATTY'S PUB AND GRILLE

**1312 West Lincoln Highway
DeKalb, Illinois 60115
Tel: 815-758-7737
Email: Events@Fattyspub.com**

July 10, 2018

Dean,

As per our discussions, I am also requesting issuance of a package liquor license for a package liquor store, also to be located in the new building to be constructed at the property. It will be within a separate unit of the building, and will incorporate those safety and security measures discussed with City staff. It would be my request that this license also be conditionally approved, subject to conditions acceptable to the City. If approved, the package liquor license would be issued to a newly formed corporate entity under the same ownership and control.

Warm regards,
Jeff Dobie

Fattys Pub And Grill