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

I, RUTH A. SCOTT, do hereby certify that I am the duly appointed Deputy City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

ORDINANCE 2018-044

AMENDING A SPECIAL USE PERMIT (ORDINANCE 2016-006) AND MODIFYING WALL SIGNAGE REGULATIONS ON THE BUILDING LOCATED AT THE SOUTHWEST CORNER OF E. LINCOLN HIGHWAY AND S. FIFTH STREET (444-460 E. LINCOLN HIGHWAY) (DUNKIN' DONUTS), DEKALB, ILLINOIS.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 13th day of August, 2018, and the original is now on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 17th day of October, 2018.

RUTH A. SCOTT, Deputy City Clerk

Prepared by:
Return To:
Deputy City Clerk Ruth Scott
City of DeKalb
200 South Fourth Street
DeKalb, IL 60115
ORDINANCE 2018-044      PASSED: AUGUST 13, 2018

AMENDING A SPECIAL USE PERMIT (ORDINANCE 2016-006) AND MODIFYING WALL SIGNAGE REGULATIONS ON THE BUILDING LOCATED AT THE SOUTHWEST CORNER OF E. LINCOLN HIGHWAY AND S. FIFTH STREET (444-460 E. LINCOLN HIGHWAY) (DUNKIN' DONUTS), DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb is a home rule municipality with the power and authority conferred upon it by the Illinois Municipal Code and the Constitution of the State of Illinois; and

WHEREAS, Dipak Patel on behalf of KV & Sons LLC, DeKalb 2 (herein referred to as “Petitioner”) owner of property located at 444-460 E. 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 (Ordinance No. 2016-006) to modify the wall signage regulations on the building to allow the placement of wall signs for Dunkin' Donuts; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on July 18, 2018; and

WHEREAS, the City and Petitioner have conducted all required public hearings before the Planning and Zoning Commission of the City of DeKalb for the amendment to special use permit for the Subject Property, and have otherwise satisfied all conditions precedent to the adoption of this Ordinance; and

WHEREAS, the City Council has reviewed and adopts the following findings of fact of the Planning and Zoning Commission of the City of DeKalb, finds that the proposed amendment to special use permit is in conformance with the applicable factors contained therein, and finds that approval of the amendment to special use permit for the Subject Property is in the public interest and promotes the public health, safety and welfare;

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

1. The proposed special use complies with all provisions of the applicable district regulations.

The overall square footage for the two wall signs on the east side of the building will not exceed the maximum allowed per the Special Use Permit Ordinance and are broken down between two signs instead of one. The proposed signs comply with all the other regulations of the “CBD” Central Business District and the UDO.
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 changes in the proposed signage will not be detrimental to the property values of the area. The overall square footage of the wall signage on the east side of the building be similar to the existing signage and will be contained in two signs instead of one.

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 special use will not dominate the immediate area and will not prevent development on the neighboring properties. The amendment to the special use permit will allow a proposed tenant to properly advertise their business along S. 5th St. and E. Lincoln Highway.

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

Adequate public services are already provided to the subject site.

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 proposed changes in the wall signage will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The proposed signs will allow the Dunkin' Donuts to have adequate signage for westbound traffic along E. Lincoln Highway.

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 described as follows:
LOTS "H", "I", "J", "K", "L", "M" AND "N" ACCORDING TO THE COUNTY CLERK’S
SUBDIVISION OF BLOCK 23 OF THE ORIGINAL TOWN (NOW CITY) OF DEKALB,
SITUATED IN DEKALB COUNTY, ILLINOIS.

Section 3. An amendment to Special Use Ordinance No. 2016-006 to modify the wall
signage regulations on the building to allow one multi-tenant wall sign (box sign) and one
tenant wall sign on the east side of the building not to exceed 78 sq. ft. in total area for
the subject property per the signs details attached as Exhibit A is hereby approved for the
Subject Property.

Section 4. Signs proposed on the Subject Property after the adoption of this Ordinance
will not require an amendment to this Ordinance if they are similar in size and materials
to the signs approved in this Ordinance, as determined by the Community Development
Director, or in compliance with the sign regulations of the Unified Development
Ordinance.

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
included herein after execution of this Ordinance.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting
thereof held on the 13th day of August, 2018, and approved by me as Mayor on the same
day. Passed on First Reading by an 8-0 roll call vote. Aye: Jacobson, Finucane,
Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading waived
by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic,
Faivre, Smith. Nay: None.

ATTEST:

[Signatures]

LYNN FAZEKAS, City Clerk

JERRY SMITH, Mayor
WALL MOUNT POWDER COATED BLACK CABINETS EACH WITH 2 HORIZ. & 1 VERTICAL DIVIDER BARS MAKING 6 EQUAL POLYCARBONATE WHITE VISIBLE FACES, WHITE LED ILLUMINATION, INSTALLED. 6' WHIP ELECTRIC HOOK-UP TO EXISTING SERVICE. NO VINYL PERSONALIZATION INCLUDED. PERMIT NOT INCLUDED.

WE WILL NOT BEGIN ANY WORK UNTIL THIS SHEET IS SIGNED & RETURNED. Thank you.

Signature: ___________________________ Date: ____________
ORDINANCE 2016-006       PASSED: FEBRUARY 22, 2016

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:

[Signatures]

JENNIFER JEEP JOHNSON, City Clerk

JOHN A. REY, Mayor