I, LYNN A. FAZEKAS, do hereby certify that I am the duly appointed 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 2019-032

APPROVING A SPECIAL USE PERMIT FOR AN AMUSEMENT ESTABLISHMENT (INDOOR SPORTS SIMULATION FACILITY) AT 1500-1504 SYCAMORE ROAD, DEKALB, ILLINOIS.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 8th day of April 2019. The original will be kept on file at the City of DeKalb Municipal Building.

WITNESS my hand and the official seal of said City this 15th day of April 2019.

LYNN A. FAZEKAS, City Clerk

Prepared by and Return to:

City of DeKalb
City Clerk's Office
200 S. Fourth Street
DeKalb, Illinois 60115
ORDINANCE 2019-032                        PASSED: APRIL 8, 2019

APPROVING A SPECIAL USE PERMIT FOR AN AMUSEMENT
ESTABLISHMENT (INDOOR SPORTS SIMULATION FACILITY) AT
1500-1504 SYCAMORE ROAD, 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, JLAR Illinois, LLC, represented by James Mason (herein referred to as
"Petitioner") of property located at 1500-1504 Sycamore Road, DeKalb, Illinois, (herein
referred to as "Subject Property"), has petitioned the City of DeKalb for approval of a
special use permit for an Amusement Establishment (Indoor Sport Simulation Facility) in
the "GC" General Commercial District; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the
Planning and Zoning Commission on March 20, 2019; 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 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 special
use permit is in conformance with the applicable factors contained therein, and finds that
approval of the 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 proposed Amusement Establishment (Indoor Sport Simulation Facility) will comply
with all regulations of the "GC" General Commercial District and the UDO. Adequate
parking is provided on-site and landscaping will be added along the Sycamore Road
frontage to bring it into more compliance with 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 proposed special use will not have a detrimental effect on the adjacent properties or land uses. The site has been zoned commercial for decades and the commercial building where the proposed special use will locate has existed on the site for several decades also. The subject site is in proximity to a variety of other commercial uses including restaurants, a video gaming establishment, cash store, retail uses, business/medical offices and offices for the state of Illinois. Residential uses exist to the east of the site; however, the intensity of the proposed special use will not be any greater than the previous uses in the tenant space.

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 on the neighboring properties. The surrounding area is already developed with a variety of commercial uses and some residential uses to the east of the site.

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 special use will not be detrimental to the permitted developments and uses on the site or to the surrounding area. The building has previously contained commercial uses. The proposed special use will take up a vacant commercial building along Sycamore Road and will be an economic benefit to the corridor.

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:


SECTION 3. A special use permit for an Amusement Establishment (Indoor Sport Simulation Facility) is hereby granted for the Subject Property in the tenant space shown on Exhibit A and subject to the following conditions:

1. The trash dumpster on the northern portion of the site shall be fully enclosed within 60 days after approval of this Ordinance.

2. Landscaping shall be added to the frontage along Sycamore Road to include seven shade trees (minimum 2 and a half-inch caliper) and 56 shrubs and to be installed within 60 days after approval of this Ordinance.

3. The number of required and provided parking spaces be documented on the survey/site plan and submitted with any building permits required for the special use permit.

SECTION 4. All ordinances or portions thereof in conflict with this ordinance, including the prior versions of the ordinances included above, are hereby repealed.

SECTION 5. 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 6. That all provisions of the UDO 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.


ATTEST:

LYNN A. FAZEKAS, City Clerk

JERRY SMITH, Mayor
EXHIBIT A

ALTA/ACSM LAND TITLE SURVEY OF PARKVIEW BUSINESS CENTER, DEKALB, ILLINOIS

[Diagram of Parkview Business Center with various labeled areas and notes]

Notes:
- Lot 80, as shown on plat, is subject to a 57.0 foot set-back from the street line.
- Parking area is subject to a 57.0 foot set-back from the street line.
- Entrance to parking area is shown at the rear of property.
- Shed, 16' x 40', is located in the southeast corner of the parking area.
- The property is subject to a 57.0 foot set-back from the street line on the north and south sides.
- The property is subject to a 57.0 foot set-back from the street line on the east and west sides.

[Additional notes and details on the diagram]