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2019003040

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 4/23/2019 12:31 PM
REC FEE: 55.00

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

PAGES: 5

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:

Lot 1 of Martin's Resubdivision of Park of Lot "N" of Gurler's Subdivision, According to the Plat Thereof Recorded April 27, 1977 in Book "R" of Plats, Page 55 as Document No. 401715, in DeKalb County, Illinois.

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.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 8th day of April 2019 and approved by me as Mayor on the same day. First Reading passed by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Verbic. Second Reading waived by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Verbic.

ATTEST:


LYNN A. FAZEKAS, City Clerk




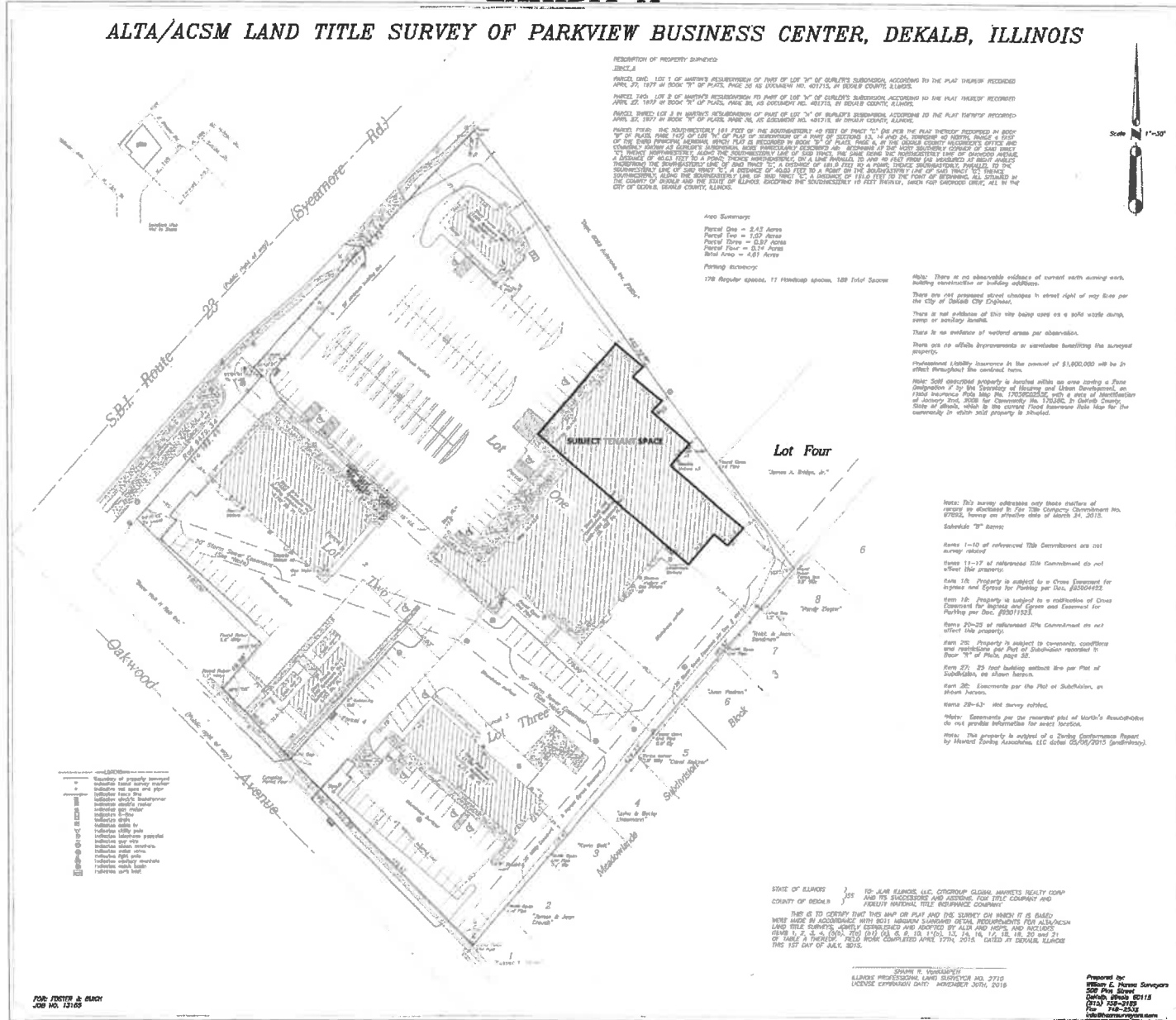

JERRY SMITH, Mayor

EXHIBIT A

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



DESCRIPTION OF PROPERTY SURVEY
 (SEE ALSO)

PARCEL ONE: LOT 1 OF MAPS RECORDED AS PART OF LOT 74 OF QUAIL'S SUBDIVISION, ACCORDING TO THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS.

PARCEL TWO: LOT 2 OF MAPS RECORDED AS PART OF LOT 74 OF QUAIL'S SUBDIVISION, ACCORDING TO THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS.

PARCEL THREE: LOT 3 IN MAPS RECORDED AS PART OF LOT 74 OF QUAIL'S SUBDIVISION, ACCORDING TO THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS.

PARCEL FOUR: THE SOUTHWESTERN 141 FEET OF THE SOUTHWESTERN 40 FEET OF TRACT "C" (AS SET BY THE PLAN THEREOF RECORDED IN BOOK 71 OF PLATS, PAGE 1257 OF LOT 74 OF QUAIL'S SUBDIVISION, ACCORDING TO THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS), AND THE SOUTHWESTERN 10 FEET OF THE SOUTHWESTERN 141 FEET OF TRACT "C" (AS SET BY THE PLAN THEREOF RECORDED IN BOOK 71 OF PLATS, PAGE 1257 OF LOT 74 OF QUAIL'S SUBDIVISION, ACCORDING TO THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS), AS SET BY THE PLAN THEREOF RECORDED APRIL 22, 1977 IN BOOK 71 OF PLATS, PAGE 30, AS CORRECTED BY RECORD NO. 407112, IN DEKALB COUNTY, ILLINOIS.

Area Summary:
 Parcel One = 2.42 Acres
 Parcel Two = 1.07 Acres
 Parcel Three = 0.83 Acres
 Parcel Four = 0.14 Acres
 Total Area = 4.46 Acres

Parking Inventory:
 178 Regular spaces, 11 Handicap spaces, 189 Total Spaces

Note: There is no observable evidence of current water running water, building construction or building remains.

There are not proposed street shapes in street right of way line per the City of Oakdale City Engineer.

There is not evidence of this site being used as a solid waste dump, area or sanitary landfill.

There is no evidence of wetland areas per observation.

There are no visible improvements or structures building the surveyed property.

Indemnification liability insurance in the amount of \$1,000,000 will be in effect throughout the contract term.

Note: Soil described property is located within an area zoned as a Flood Hazard Area by the State of Illinois, with a Flood Hazard Insurance Rate Map No. 170382222L, with a date of identification of January 20, 2008 for Community No. 110362, in DeKalb County, State of Illinois, which is the current Flood Hazard Insurance Rate Map for the community in which said property is located.

Note: This survey addresses only those matters of record as described in the Title Commitment recorded in 87852, having an effective date of March 24, 2015.

Schedule "D" Items:

Items 1-10 of referenced Title Commitment do not survey related.

Items 11-17 of referenced Title Commitment do not affect the property.

Item 18: Property is subject to a Cross Easement for ingress and egress for parking per Item 18.0000422.

Item 19: Property is subject to a right-of-way easement for ingress and egress and easement for parking per Item 19.0001022.

Items 20-23 of referenced Title Commitment do not affect the property.

Item 24: Property is subject to easements, covenants and restrictions per Part of Subdivision recorded in Book 71 of Plats, page 30.

Item 25: 25 foot building setback line per Part of Subdivision, as shown herein.

Item 26: Easements per the Plat of Subdivision, as shown herein.

Item 28-31: Not survey related.

Note: Easements per the recorded plat of North's Residential do not provide information for access to the site.

Note: This property is subject to a zoning Ordinance passed by Board of Supervisors, ILL. Code 05/05/2015 Ordinance.

STATE OF ILLINOIS }
 COUNTY OF DEKALB }
 I, SHANE R. HANCOCK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2715, LICENSE EXPIRES DATE: NOVEMBER 30TH, 2019, DO HEREBY CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE ILLINOIS SURVEYING ACT, REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, AND I AM A MEMBER OF THE NATIONAL ASSOCIATION OF PROFESSIONAL LAND SURVEYORS (NALS) AND THE NATIONAL ASSOCIATION OF PROFESSIONAL LAND SURVEYORS (NALS) AND THE NATIONAL ASSOCIATION OF PROFESSIONAL LAND SURVEYORS (NALS). THIS SURVEY WAS COMPLETED APRIL 27TH, 2015, DATED AT DEKALB, ILLINOIS THIS 27TH DAY OF APRIL, 2015.

SHANE R. HANCOCK
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2715
 LICENSE EXPIRES DATE: NOVEMBER 30TH, 2019

Prepared by:
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FOR JEFFREY B. BLANK
 JOB NO. 12165