



2019004618

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 6/5/2019 10:19 AM
REC FEE: 75.00

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

PAGES: 7

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 2019-042

**AUTHORIZING A SPECIAL USE PERMIT FOR AN
OUTDOOR PATIO/DECK AT 241 AND 249 E.
LINCOLN HIGHWAY, DEKALB, ILLINOIS,
(HOMETOWN SPORTS BAR & GRILL). (PINS
0823159043 AND 0823159037)**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 28th day of May 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 31st day of May 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

APPROVING A SPECIAL USE PERMIT FOR AN OUTDOOR PATIO/DECK FOR THE PROPERTY LOCATED AT 241 AND 249 EAST LINCOLN HIGHWAY, DEKALB, ILLINOIS (HOMETOWN SPORTS BAR & GRILL).

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, MT Nest, LLC, represented by Thomas Schmidt, Owner, (herein referred to as "Petitioner") of property located at 241 and 249 East Lincoln Highway, DeKalb, Illinois, (herein referred to as "Subject Property"), has petitioned the City of DeKalb for approval of a special use permit for an outdoor patio/deck in the "CBD" Central Business District; and

WHEREAS, pursuant to proper legal notice, a public hearing was conducted by the Planning and Zoning Commission on May 8, 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 outdoor/patio deck will comply with all 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 proposed special use will not have a detrimental effect on the adjacent properties or land uses. The outdoor/patio deck will be located at the rear of the building at 249

E. Lincoln Highway. The proposed patio/deck will look out over Palmer Ct. and will face the south wall of the Debutantes School building (old DeKalb Theater), the existing Hometown Sports Bar to the west and the wall of Thai Pavilion to the east. There are no windows that will face the outdoor patio/deck and there are no apartment units that will be directly adjacent to the patio/deck. The proposed special use will be in proximity to a variety of other commercial uses including restaurants and bars.

- 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, including several restaurants and outdoor seating areas at the sidewalk level. The City did not receive any objections regarding the proposed special use from adjacent property owners.

- 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 in the surrounding area. The proposed special use will be part of an expansion to an existing restaurant/bar and take up a vacant commercial building, which will be an economic benefit to the downtown.

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 61 IN COUNTY CLERK'S SUBDIVISION, A SUBDIVISION OF BLOCK 12 OF THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "C" OF PLATS, PAGE 42, ON SEPTEMBER 15, 1902, IN DEKALB COUNTY, ILLINOIS; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 61; THENCE SOUTH 70 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTHEASTERLY LINE OF SAID LOT, 24.08 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 19 DEGREES 35 MINUTES 51 SECONDS WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT, 27.13 FEET; THENCE NORTH 70 DEGREES 43 MINUTES 24 SECONDS WEST, 22.33 FEET; THENCE NORTH 19 DEGREES 34 MINUTES 53 SECONDS EAST, 11.13 FEET; THENCE NORTH 70 DEGREES 40 MINUTES 22 SECONDS WEST, 1.86 FEET TO THE NORTHWESTERLY LINE OF SAID LOT; THENCE NORTH 19 DEGREES 35 MINUTES 51 SECONDS EAST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 16.0 FEET TO THE POINT OF BEGINNING; ALSO EXCEPTING THEREFROM THE SOUTH 12 FEET OF SAID LOT, SITUATED IN THE CITY OF DEKALB, COUNTY OF DEKALB, STATE OF ILLINOIS; AND

LOT 60 OF COUNTY CLERK'S SUBDIVISION OF BLOCK 12 OF THE ORIGINAL TOWN, NOW CITY, OF DEKALB, COUNTY OF DEKALB, AND STATE OF ILLINOIS ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "C" OF PLATS ON PAGE 42, RECORDER'S OFFICE, DEKALB COUNTY, ILLINOIS, EXCEPTING THEREFROM ALL THAT PART OF SAID LOT LYING NORTHEASTERLY OF A LINE PARALLEL TO AND 16 FEET SOUTHWESTERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE NORTHEASTERLY LINE OF SAID LOT BEING THAT PART TAKEN IN CONDEMNATION CASE NUMBER 73-ED-247, IN THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS.

The aforementioned legal description is comprised of Parcel Identification Numbers (PINs) 08-23-159-043 and 08-23-159-037 and located at 241 and 249 E. Lincoln Highway, DeKalb, IL 60115.

SECTION 3. A special use permit for an outdoor patio/deck is hereby granted for the Subject Property located at 241 and 249 E. Lincoln Highway as shown on the floor plan (Sheet A0) dated May 1, 2019 prepared by LaPage Architects, LTD and as indicated on Exhibit A.

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 28th day of May 2019 and approved by me as Mayor on the same day. Passed on First Reading by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Fagan. Second Reading waived by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Fagan.

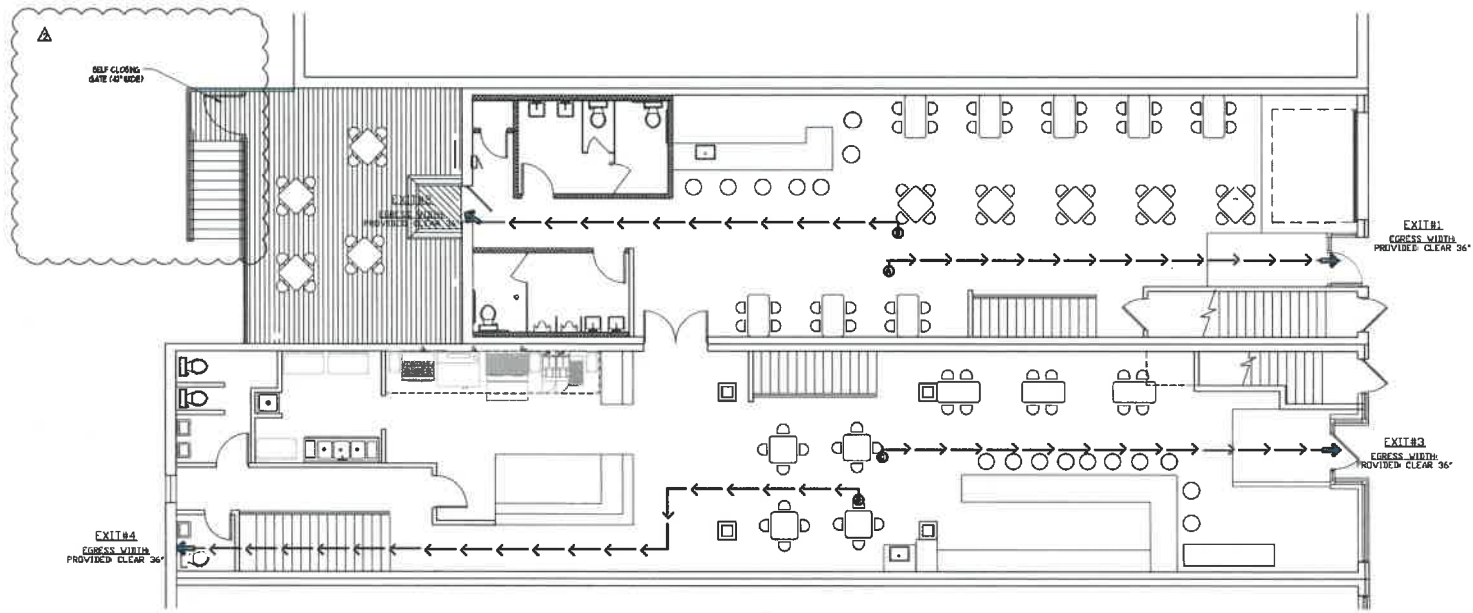
ATTEST:


LYNN A. FAZEKAS, City Clerk

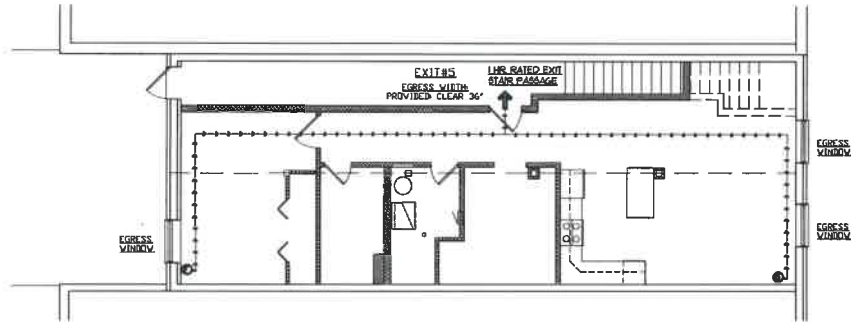

JERRY SMITH, Mayor

The seal of the City of DeKalb, Illinois, is circular with a double-line border. The outer ring contains the text "CITY OF DE KALB" at the top and "STATE OF ILLINOIS" at the bottom. The inner circle features a central emblem depicting a plow, a sheaf of wheat, and a bundle of cotton, with the word "DEKALB" written below the emblem.

EXHIBIT A



1
A0 GROUND FLOOR - EGRESS PLAN Scale: 3/16" = 1'-0" NORTH



2
A0 SECOND FLOOR - EGRESS PLAN @APT. Scale: 3/16" = 1'-0" NORTH

EGRESS PLANS ARE GRAPHICALLY SHOWING EGRESS TRAVEL DISTANCES, DO NOT SCALE DRAWINGS

EXIT COMPONENTS	
EGRESS WIDTH PROVIDED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH REQUIRED	BASED ON THE COMPONENTS: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH PROVIDED	EXIT WIDTHS AT 30" - WIDTHS OF 6' OR GREATER EGRESS WIDTHS
EGRESS WIDTH REQUIRED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH PROVIDED	EGRESS WIDTHS WITHIN EXISTING AT MINIMUM
EGRESS WIDTH REQUIRED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH PROVIDED	1 HOUR RATED FOR 90 MINUTES
EGRESS WIDTH REQUIRED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH PROVIDED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED
EGRESS WIDTH REQUIRED	MINIMUM: 4'-0" PER OCCUPANT UNLESS OTHERWISE SPECIFIED

EXIT TRAVEL DISTANCE	EXIT TRAVEL DISTANCE
CODE	CODE
A	1
B	2
C	3
D	4
E	5
F	6
G	7

LEGEND

→ EXIT PATH OF TRAVEL

→ EXIT AND OPENING SIZE



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Project # 01824
 Drawn: PRL-MHA
 Date: 10.12.2018
 Issue/Revision Date: P & C 10.12.2018
 Revision 1: 09.20.2019
 Revision 2: 02.01.2019

RE-ISSUED FOR PERMIT & CONSTRUCTION 02.20.2019

LaPage Architects, Ltd.
 Architects = Interior Space Planners
 241 & 249 E. LINCOLN HIGHWAY
 DEKALB, ILLINOIS 60115
 Phone: (630) 645-0006 Fax: (630) 645-0888
 Email: info@lapage.com
 Website: www.lapage.com

ADG ARCHITECTURAL MANAGEMENT INC.
 PROGRAM & PROJECT MANAGER
 515 W. 11th St., Suite 200
 DeKalb, IL 60115
 Tel: 630-645-5476
 Email: am@adgarchitect.com

Proposed...
 HOMETOWN SPORTS BAR &
 APT. REMODEL
 241 & 249 E. LINCOLN HIGHWAY
 DEKALB, ILLINOIS 60115

Drawing
 EGRESS PLAN

Sheet
 A0

May, 13th 2019



Dear Mayor Jerry Smith & City Council members:

On May 8th, the City of Dekalb Planning and Zoning Commission unanimously approved applicant Tom Schmidt owner MT Nest LLC / D.B.A. Hometown Sports Bar & Grill's request for a Special Use Permit at:

241/249 E. Lincoln Hwy

Tom Schmidt, MT Nest LLC/ D.B.A Hometown Sports Bar & Grill respectfully request that the City Council waive the second reading requirement in this matter and approve the Special Use Permit on first reading.

We appreciate your consideration of this request and invite you to reach out to us with any questions that may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Schmidt", written over a horizontal line.

Tom Schmidt
MT Nest LLC
Hometown Sports Bar & Grill
Dekalb,IL