

APPROVING A SPECIAL USE PERMIT FOR A DRIVE-THROUGH RESTAURANT AT 922 S. FOURTH STREET, DEKALB, ILLINOIS (PROPER HOSPITALITY GROUP, LLC – PETER PANAGAKIS).

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, Proper Hospitality Group LLC (the “Applicant”) is the owner of the property located at 922 South 4th Street, DeKalb, Illinois and legally described in Exhibit A attached hereto and incorporated herein by reference (the “Property”); and

WHEREAS, the Applicant petitioned the City to approve a special use permit for a drive-through restaurant on the Property (the “Petition”); and

WHEREAS, on July 18, 2022, pursuant to due notice, the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Petition, made findings of fact, and recommended approving the Petition; and

WHEREAS, the City’s corporate authorities find that: (1) the PZC’s findings of fact are true, accurate, adopted and incorporated herein by reference; (2) it is in the City’s best interests for the promotion of the public health, morals and welfare to grant the Petition pursuant to the provisions of this Ordinance; and (3) the Petition conforms to the applicable factors in the City’s Unified Development Ordinance (the “UDO”) as follows:

STANDARDS OF A SPECIAL USE – ARTICLE 14.03.05(2) OF THE UDO

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

The proposed special will comply with all regulations of the “LC” Light Commercial District and the UDO. The applicant will be required to develop the site per the plans made as an exhibit to the recommendation. The drive-through has adequate space for the stacking of vehicles and meets the UDO requirement.

- 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 “LC” Light Commercial for decades. The site contained a former drive-through restaurant, which was not detrimental to the neighborhood. There is a variety of commercial uses in the area including a bank, gas station, restaurant, offices, day care center, video gaming cafe, auto related uses, and outside storage. Part of the recommendation to approve the special use is an hour restriction to ensure compatibility with the surrounding area. The proposed restaurant will be a welcome addition to the S. 4th St. corridor and meets the recommendations of the draft 2022 Comprehensive Plan.

- 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 a bank, gas station, restaurant, offices, day care center, video gaming cafe, auto related uses, and outside storage. Residential uses exist to the east and south. The proposed special will operate in a manner that is not detrimental to the surrounding neighborhood. The drive-through has adequate space for the stacking of vehicles and meets the UDO requirement.

- 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. The existing paved parking area will be expanded and re-striped including the addition of four handicap spaces and a bypass lane for the drive-through. A six-foot-high sight-proof fence will be added along the east property line and the dumpster on-site will be screened.

- 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. Due to the proximity of residential area to the east and south, a hours of operation limitation for the restaurant is recommended. The proposed special use will be in compliance with the 2005 Comprehensive Plan and draft 2022 Plan. The proposed restaurant with drive-through will be a welcome addition to the S. 4th St. corridor.

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

SECTION 1: The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

SECTION 2: The City's corporate authorities adopt and approve a special use permit for a drive-through restaurant as depicted on the site plan dated July 13, 2022, and building elevation dated May 11, 2022 (the "Plans) attached hereto and incorporated herein by reference as Group Exhibit B on the Property, subject to the following conditions:

1. The hours of operation for the restaurant shall be limited between 6:00 a.m. and 8:00 p.m.; and

2. Applicant's use of the Property shall comply with the DeKalb Municipal Code, the City's ordinances, and applicable law.


SECTION 3: The City Manager and his designee are authorized to record this Ordinance in the DeKalb County Clerk and Recorder's Office.

SECTION 4: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 25th day of July 2022 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.





COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A
(Legal Description of the Property)

The Property is legally described as follows:

LOTS 12, 13, AND 14 IN BLOCK 1 OF MARTIN BROS. AND GALT'S SUBDIVISION, A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1903, IN BOOK "C" OF PLATS, PAGE 49, IN DEKALB COUNTY, ILLINOIS.

Common Address: 922 South 4th Street, DeKalb, IL 60115

Parcel Identification Numbers ("PIN's"): 08-26-104-003 and 08-26-104-018.

EXHIBIT B

NOTE:
THIS IS ARCH'L SITE PLAN ONLY - DO NOT SCALE
SEE CIVIL SHEETS FOR CIVIL DETAILS & LEGAL DESCRIPTION

REV: 01B3022

Project # 2022
Drawn: JMS
Date: 05.11.2022
Issue/Revision Date:

Copyright by JMS Architectural Firm, Inc. for Design and Construction Documents. All rights reserved. © 2022

JMS ARCHITECTURAL MANAGEMENT, INC.
1000 N. WASHINGTON
DEKALB, ILLINOIS 62521
TEL: 815-942-1275
WWW.JMSARCHITECT.COM

RESTAURANT CONCEPT
922 S. FOURTH ST.
DEKALB, ILLINOIS

Drawing
ARCH'L
SITE PLAN

Sheet
A1

SOUTH FOURTH ST.

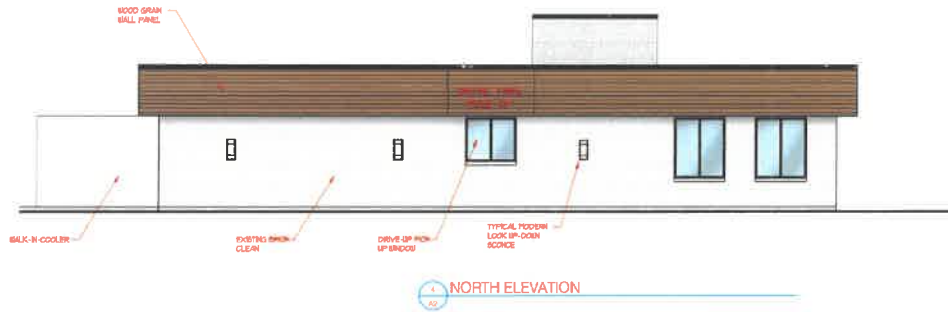
20 FT. PUBLIC ALLEY



ARCH'L SITE PLAN
SCALE: 3/32" = 1'-0"
NORTH

- PROJECT TABULATION:
- LOT AREA: SIZE: 43,561 SF.
 - TOTAL BUILDING AREA: 2,131 SF.
 - PROPOSED SEATING: 39 SEATS
 - PROPOSED EMPLOYEES: 8 TOTAL (FULL & PART TIME)
 - REQUIRED PARKING SPACES: 21 SPACES
 - PROPOSED PARKING SPACES: 24 SPACES INCLUDING 3 ACCESSIBLE SPACES
 - 21,780 SF. PROPOSED INFERVIOUS (BUILDING, PAVEMENT, WALKWAY, ETC.)
 - 21,780 / 43,561 = 64% = 64%

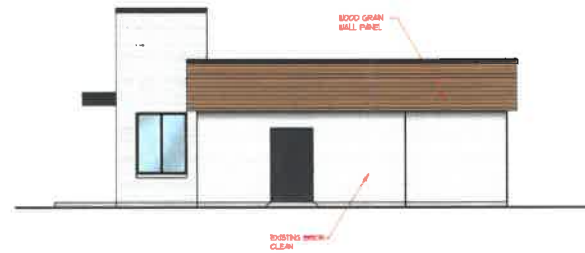
EXHIBIT



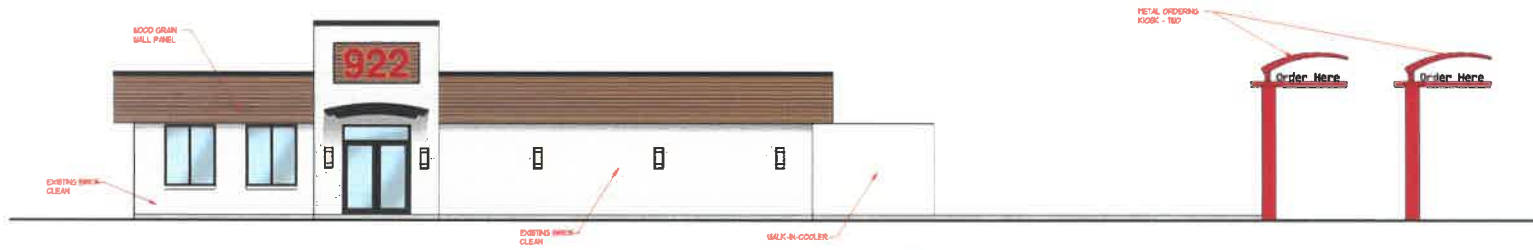
NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION

Copyright by ABC Architecture, Inc. for Design and Construction Documents. Not to be reproduced. © 2022

Project # 20000
 Drawn: RCB
 Date: 05.11.2022
 Issue/Revision: Date:

100 ARCHITECTURAL AVERAGE
 100 ARCHITECTURAL AVERAGE
 100 ARCHITECTURAL AVERAGE

RESTAURANT CONCEPT
 922 S FOURTH ST
 DEKALB, ILLINOIS

CONCEPT
 ELEVATION

A2



2022007249

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 7/29/2022 09:56 AM
REC FEE: 75.00

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

PAGES: 7

CERTIFICATION

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

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

ORDINANCE 2022-033

APPROVING A SPECIAL USE PERMIT FOR A DRIVE-THROUGH RESTAURANT AT 922 S. FOURTH STREET, DEKALB, ILLINOIS (PROPER HOSPITALITY GROUP, LLC – PETER PANAGAKIS).

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 25th day of July 2022.

WITNESS my hand and the official seal of said City this 27th day of July 2022.

RUTH A. SCOTT, Executive Assistant



Prepared by and Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115