ORDINANCE # 2021_____

AN ORDINANCE GRANTING A SPECIAL USE FOR INDOOR ENTERTAINMNENT SALES/SERVICE WITHIN THE GB, GENERAL BUSINESS DISTRICT (100 East Grove Street)

WHEREAS, the Village of Poplar Grove has adopted Title 8, Zoning in accordance with the provisions of Illinois Compiled Statutes, to regulate the use of land and specify the minimum requirements for improvements on land in the Village of Poplar Grove; and

WHEREAS, special uses are certain municipal or private uses that due to their physical or operational characteristics may pose a threat to the value, use and enjoyment of adjoining property and are reviewed on a case by case basis, and are permitted only by permission of the Poplar Grove Village Board; and,

WHEREAS, the applicant, Poplar Grove Entertainment d/b/a Grove Gaming, 303 North Main Street, 8th Floor, Rockford, IL 61101 on behalf of the owner, Peter and Heather Provenzano Charitable Lead Trust DTD 12/28/15 has petitioned the Village for a special use for indoor entertainment sales/service (video gaming) at 100 East Grove Street; and,

WHEREAS, after due notice by publication pursuant to the Illinois State Statutes, the Village of Poplar Grove Planning and Zoning Commission held a public hearing on July 28, 2021 concerning the proposed special use; and,

WHEREAS, the Village of Poplar Grove Planning and Zoning Commission having examined said application and having considered the evidence, both oral and documentary, and being fully advised about the premises did make findings of fact and a recommendation; and,

WHEREAS, the corporate authorities of the Village considered the findings of fact and concur with the recommendation of the Planning and Zoning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That a special use in the GB, General Business District for indoor entertainment sales/service (video gaming) at the property legally described as and depicted in Attachment A:

> Beginning at the Southwest corner of Section 18, Township 45 North, of Range 4 East of the Third Principal Meridian, at a stake for a corner;

thence East 12 rods to land now owned and occupied by Reuben Sherman and John N. Carter; thence North 10 rods in line with said Sherman and Carter's land; thence West 12 rods to the center of range Line Road (so called); thence South 10 rods in line with said road to the place of beginning, situated in Boone County, Illinois; EXCEPT the Easterly Eighteen (18) feet of the following described premises: A part of the Southwest Quarter of Section Eighteen (18), Township Forty-five (45) North, Range Four (4) East of the Third Principal Meridian, described as follows, to-wit: Commencing at the Southwest corner of said Section 18, and running thence East 12 rods; thence North 10 rods in line with said road to the place of beginning, and conveying the reservation of the use of ingress and agress(egress) on the driveway located on the excepted portion as recited herein as reserved in the deed from The Grove Grange No. 1835 to Lawrence Dyer and Helen Dyer, dated May 5, 1955; EXCEPTING THEREFROM that portion deeded to the State of Illinois, Department of Transportation by Warranty Deed recorded September 16, 2004 as Document No. 04R10978 for public road purposes; situated in the County of Boone and State of Illinois. PIN: 04-18-300-002

Be and is hereby approved, subject to the following conditions:

1. The special use shall permit video gaming machines to operate in only one tenant space on the property.
2. The structure shall be brought up to building, fire and health codes prior to operating a new business
3. The entire parking area shall be paved with a hard, all-weather surface, to the satisfaction of the Village Engineer or Director of Public Works.
4. The entire parking area shall be striped in accordance with Section 8-10-7-B-5 of the Poplar Grove Zoning Ordinance.
5. The parking area shall be illuminated in compliance with Section 8-10-8 of the Poplar Grove Zoning Ordinance.

Section 2. That the premises shall be used in accordance with and subject to the applicable provisions of the Zoning Ordinance of the Village of Poplar Grove and shall not be used except as may otherwise be expressly authorized by the special use.

Section 3. That acceptance of any of the benefits of this Special Use shall be deemed acceptance of all the terms and conditions set forth herein.

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED by the Village Board of the Village of Poplar Grove this ____ day of _____, 2021.

APPROVED by the President of the Village of Poplar Grove this ____ day of _____, 2021.

_____
Don Sattler, Village President

ATTEST:

_____
Karri Anderberg, Village Clerk

Ayes:____ Nays: ____ Absent ____

Village Board Members Voting Aye:____

Village Board Members Voting Nay:____

Date Published: _____ Sponsor:_____

Attachment A

