

ORDINANCE # 2023-11

**AN ORDINANCE GRANTING A SPECIAL USE
FOR INDOOR ENTERTAINMENT SALES/SERVICE WITHIN THE
GB, GENERAL BUSINESS DISTRICT
(13535 IL Route 76)**

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, Nikita Lopez, 191 Red Oak Street, Poplar Grove, Illinois 61065 has petitioned the Village for a special use for indoor entertainment sales/service (video gaming), at the real property commonly known as Boone's Bar and Grill, at 13535 IL Route 76 and with PIN 03-26-402-006 (the "Property"); 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 May 24, 2023 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, a copy of which are attached hereto as Exhibit A, and incorporated herein, and made a recommendation to approve the special use for the Property; 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 below:

26-45-3 Countryside Mall Sub Plat 3 lot 34

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

1. That the unit shall comply with building, fire and health codes prior to operation.

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 _____, 2023.

APPROVED by the President of the Village of Poplar Grove this ____ day of _____, 2023.

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:_____

EXHIBIT A – FINDINGS OF FACT

- A. Findings: The establishment, maintenance or operation of the special use would not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.**

The property has been a multi-tenant commercial shopping center for years. Provided that the proposed bar with video gaming operates within accordance with the law, there should be no negative impacts on the health, safety, morals and comfort of the general welfare.

- B. Findings: The special use would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish or impair property values within the neighborhood.**

The proposed business would occupy 2,000 square feet of the 136,000 square foot shopping center which was intended to provide multiple shopping and entertainment options for the public. The use should not negatively impact the other business in the center or neighborhood.

- C. Findings: The establishment of the special use will not impede the normal or orderly development and improvements of the surrounding property for uses permitted in the district.**

The subject property and surrounding area is fully developed.

The general business district permits professional services, indoor retail sales or services and open space. Institutional, entertainment and boarding land uses require a special use. The bar and video gaming establishment is not expected to negatively impact the existing businesses or deter other businesses from locating in the area.

- D. Findings: Adequate utilities, access roads, drainage and/or necessary facilities will be provided.**

The property is currently developed within a multi-tenant building and parking area. It has been used for commercial purposes prior to the special use request and is adequately served by utilities.

- E. Findings: Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**

The special use will be within an existing multi-tenant shopping center with adequate parking for all of the tenants. The amount of traffic generated by

the special use will be minimal compared to other land uses that are permitted within the general business district. The existing road network is adequate.

F. Findings: The special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.

The special use will be required to conform to all the applicable regulations of the Zoning Ordinance, the Subdivision Ordinance, all other regulations and to any conditions of approval enacted by the Village Board.