



**Village of Itasca**  
**Community Development Department**

550 WEST IRVING PARK RD. ITASCA, IL 60143  
PHONE: 630/773-5568 FAX: 630/773-0852  
e-mail: smalikjarmusz@itasca.com  
www.itasca.com

**MEMORANDUM**

**TO:** President Jeff Pruyn  
Village Board of Trustees

**RE:** PC #19-010  
Village of Itasca  
Video Gaming Text Amendments

**FROM:** Kon Savoy, AICP  
Senior Planning Consultant

**COTW:** June 4, 2019

**CC:** Shannon Malik Jarmusz, AICP  
CD Director

**ENCL:** Plan Commission Staff report

**Background**

Since 2016, the Village has approved three establishments that provide video gaming terminals in the B-2 Community Business and B-3 Service Business zoning districts. These three businesses have been established independent of any existing restaurant, tavern, or hotel. They are concentrated at the intersection of Route 53 and W. Irving Park Rd. In addition, a number of hotels and restaurants have added video gaming terminals to their businesses.

The Zoning Ordinance does not specifically call out video gaming establishments by use, but the State of Illinois does mandate that video gaming machines only be located within facilities holding liquor licenses. Village Staff has previously determined that without specific zoning, the most accurate way to describe video gaming businesses is a tavern. Taverns or cocktail lounges require a special use permit (Section 8.04(2)(bb)).

The Village Board had requested Staff to prepare appropriate amendments to the Zoning Code to formally require Video Gaming Cafés be classified as a special use in the Village.

**Requests Before the Village Board**

Amendment to the Zoning Code regarding Video Gaming cafés in accordance with the following:

- A. Adding Video Gaming Café as a Special Use in Itasca Business Districts - B1, B2 and B3, Sections 8.03 (2); 8.04 (2); 8.05 (2); and the Regional Office Center District - Section 10.05
- B. Adding Video Gaming Café and Video Gaming Establishment definitions to Section 3: Rules and Definitions

## **Plan Commission Hearing - Public Comment**

The Plan Commission held a public hearing on May 15, 2019 to consider the requests listed above. No written public comments were submitted, and no significant issues were raised by the public at the meeting.

## **Plan Commission Recommendation**

In its deliberation of the proposed text amendments, the Plan Commission determined that stand-alone Video Gaming Cafes (not including establishments that primarily are in the food service business) be restricted from locating in the Downtown area (B4, B5, and B6 Districts). The result is that they will only be allowed in the B1, B2 and B3 districts by special use.

In addition to the recommended text amendments, the Plan Commission was provided with a couple of additional options to further control Video Gaming Cafes, including requirements to control the number of such establishments in any one location, and the extent to which they must provide a full-service kitchen. In its deliberation of these issues, the Plan Commission determined that a 1,000-foot separation requirement be added to the zoning standards so that no Video Gaming Café can be located closer than 1,000 feet to another gaming café. This will further restrict the clustering of gaming cafes in any one location, such as has been the case in the area around the Rt. 53 and W. Irving Park Rd. intersection.

The Plan Commission gave a favorable recommendation for text amendments after closing the public hearing. The motions related to the proposal were approved by a vote of 5-0, with one member absent. It should be noted that the Plan Commission discussed whether a special use should be required for video gaming establishments such as restaurants, hotels, and taverns with video gaming terminals as an accessory use. The Plan Commission determined it would not require a special use in these cases so that existing businesses that wish to add gaming are not at a disadvantage.

## **Recommendation**

Amend the Village's Zoning Ordinance to permit video gaming cafés as a special use, subject to a 1,000-foot separation requirement, and the adoption of new definitions specific to video gaming businesses. The recommended code revisions are as follows:

- A. Adding Video Gaming Cafés as a Special Use in Itasca Business Districts, Sections 8.03 (2); 8.04 (2); 8.05 (2); and the Regional Office Center District - Section 10.05;
- B. Adding the following Video Gaming Café and Video Gaming Establishment definitions to Section 3: Rules and Definitions

**Video Gaming Café.** An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a video gaming café:

- A. Does not meet the definition of a restaurant;

- B. Annual revenue is at least 60% generated from video gaming activities, which can be certified by request of the Village from the operator and State of Illinois.

**Video Gaming Establishment.** An establishment that is not a Video Gaming Café, where video gaming terminals are an accessory use to the primary business activity, that also has secured a liquor license from the Village of Itasca and complies with all requirements of Chapter 119: Video Gaming of the Municipal Code.

**ORDINANCE NO. 1916-19**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING VIDEO GAMING CAFÉS AND VIDEO GAMING ESTABLISHMENTS**

WHEREAS, the Village of Itasca has received an increasing number of petitions for video gaming which are currently undefined by the Itasca Zoning Ordinance; and

WHEREAS, the Village of Itasca wishes to amend its Zoning Ordinance to define video gaming establishments and permit them by special use in certain districts and with certain limitations; and

WHEREAS, a public hearing was held before the Itasca Plan Commission on May 15, 2019, pursuant to public notice as required by law; and

WHEREAS, the Village of Itasca Plan Commission voted to recommend that the Village authorities approve the text amendments to the Village Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Itasca, DuPage County, Illinois, as follows:

SECTION ONE: Section 3.02 of the Village Zoning Ordinance shall be amended to add the following definitions:

**VIDEO GAMING CAFÉ:** An establishment whose primary or major focus is video gaming and the service of alcohol and food is incidental to the operation of video gaming. The following factors may be considered when determining if the establishment is a video gaming café:

- A. Does not meet the definition of a restaurant;
- B. Annual revenue is at least 60% generated from video gaming activities, which can be certified by request of the Village from the operator and State of Illinois.

**VIDEO GAMING ESTABLISHMENT:** An establishment that is not a Video Gaming Café, where video gaming terminals are an accessory use to the primary business activity, that also has secured a liquor license from the Village of Itasca and complies with all requirements of Chapter 119, Video Gaming, of the Itasca Municipal Code.

SECTION TWO: Sections 8.03(2), 8.04(2), 8.05(2) and 10.05 shall be amended to add “Video Gaming Café, uses not to exceed more than one every thousand (1,000) feet” to the list of special uses in the Itasca Business Districts B1, B2, and B3, and to the Regional Office Center District.

SECTION THREE: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any

Court of competent jurisdiction, such decision shall not affect the validity of the remaining provision of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect on June 18, 2019, and after its passage, approval and publication in pamphlet form.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED and ADOPTED by the Village President and Board of Trustees of the Village of Itasca this 18<sup>th</sup> day of June, 2019.

APPROVED:

\_\_\_\_\_  
Village President Jeffery J. Pruyn

ATTEST:

\_\_\_\_\_  
Village Clerk Jody Conidi