



City of Des Plaines
Community Development
Planning & Zoning Division
1420 Miner Street
Des Plaines, IL 60016
Tel: 847-391-5306
Fax: 847-827-2196

MEMORANDUM

Date: July 1, 2015
To: Michael G. Bartholomew, MCP, LEED AP, City Manager
George Sakas, AICP, Director of Community and Economic Development
From: Scott Mangum, AICP, Senior Planner *SM*
Subject: Conditional Use Permit for a Food Processing Establishment (Catering business with accessory restaurant), 632 W. Algonquin Road, Case #15-035-CU

Issue: The petitioner is requesting a Conditional Use permit under Section 12-7-3.F.3 (7.3-6-C) of the 1998 City of Des Plaines Zoning Ordinance, as amended: to operate a Food Processing Establishment (Catering) in the C-3 Zoning District.

Analysis:

Proposed Use Food Processing Establishment (Catering business with accessory Restaurant)

Petitioner Winston Sevilla, 1115 Marshall Drive, Des Plaines, IL 60016

Owner Marek Jaczynski, 4721 Laurel Avenue, Glenview, IL 60025

PIN 08-24-102-007-0000

Plan of Operation Kamayan Tayo Restaurant would average 4 workers per shift and would operate 6 days per week (Tuesday-Sunday) from 11:00 a.m. to 8:00 p.m.

Existing Use Vacant tenant space

Surrounding Land Use
North: Multi-Family Residential
East: Multi-Family Residential
South: Single-Family Residential
West: Commercial (Shopping Center)

Existing Zoning	C-3, General Commercial
Surrounding Zoning	North: R-3, Townhouse Residential East: R-3, Townhouse Residential South: R-1, Single-Family Residential West: C-3, General Commercial
Street Classification	This portion of Algonquin Road is identified as a collector road according to the City's Comprehensive Plan.
Comprehensive Plan	The Comprehensive Plan recommends Community Commercial use for this site.

The applicant, Winston Sevilla, has requested a Conditional Use Permit to open a catering business with accessory restaurant (Food Processing Establishment) within an existing shopping center at 632 W Algonquin Road. The approximately 32,755 square-foot parcel is located on the north side of Algonquin Road and currently contains a multi-tenant one and two-story brick building which is occupied by several retail and service related uses. The site is currently accessed by two curb cuts off of Algonquin Road with the western driveway shared with an adjacent shopping center. 44 parking spaces are located in front of the building and are shared by the building tenants.

The applicant proposes to operate a catering business within a vacant, roughly 1,600 square foot tenant space which was previously occupied by a retailer. Kamayan Tayo Restaurant would average 4 workers per shift and would operate 6 days per week (Tuesday-Sunday) from 11:00 a.m. to 8:00 p.m. The operation would be primarily offering catering and carry-out service (80%), but would also provide a small dining area with three tables and 12 seats. A request to waive the traffic study requirement was granted after review by staff based on the proposed site plan and size of the operation.

Conditional Use Findings: As required by Section 12-3-4.E (3.4-5 Standards for Conditional Uses) of the Zoning Ordinance, the proposed development is reviewed below:

1. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: A Food Processing Establishment is a Conditional Use in C-3, General Commercial Zoning District, as specified in Section 7.3-6.C of the 1998 City of Des Plaines Zoning Ordinance, as amended.

2. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The 2007 Comprehensive Plan recommends a Community Commercial use for the site.

3. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed Food Processing Establishment is located on Algonquin Road, a collector road that currently has an auto-oriented character in this area.

4. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: Based on the previous use and plans submitted, none of the functions of the Food Processing Establishment are anticipated to be hazardous or disturbing to the surrounding neighborhood.

5. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: After reviewing the petitioner's plans, the proposed Conditional Use would be served adequately by essential public facilities and it would not overburden existing public services.

6. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed Conditional Use would appear to have adequate public facilities; it would not create a burden on public facilities nor would it be a detriment to the economic well being of the community.

7. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: Based on the plans submitted, the proposed Food Processing Establishment is not anticipated to create additional traffic, noise, or odors that could be detrimental to surrounding land uses.

8. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: The proposed project would utilize the existing curb cuts on Algonquin Road for access. The Illinois Department of Transportation has jurisdiction over the adjacent section of Algonquin Road. Based on an evaluation of the existing conditions and plans provided, staff does not find any evidence for potential interference with traffic patterns.

9. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: Reuse of the existing building is proposed. The proposed plan would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance.

10. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: It appears that the proposed conditional use complies with all additional regulations within the Zoning Ordinance.

Recommendation: At its June 30, 2015 the Zoning Board of Appeals *recommended* (7-0) that the City Council *approve* the above-mentioned Conditional Use permit for the establishment of a Food Processing Establishment subject to the following conditions of approval, as recommended by me:

1. All parking areas shall be surfaced and striped to meet all applicable Building Code hard surface requirements.

I recommend approval of the Conditional Use Permit for the operation of a Food Processing Establishment, based on review of the information presented by the applicant and the findings made above, as specified in Section 12-3-4.E (3.4-5 Standards for Conditional Uses) of the City of Des Plaines Zoning Ordinance, subject to a condition of approval. The proposed use would occupy a vacant tenant space within an existing shopping center and the operations are not expected to cause a negative impact on surrounding land uses.

Under Section 12-3-4.D (3.4-4) of the Zoning Ordinance (Conditional Uses) the City Council has the authority to approve, approve subject to conditions, or deny the above-mentioned Conditional Use Permit for the establishment of a Food Processing Establishment in the C-3 zoning district.

It is requested that this item be placed on the Committee of the Whole agenda at the July 20, 2015 City Council meeting.

SM/sm

Attachments:

Attachment 1: Petitioner's Conditional Use Application

Attachment 2: Location Map

Attachment 3: Site and Context Photos

Attachment 4: Plan of Operation and Traffic Study Waiver Request

Attachment 5: Draft Minutes of the June 30, 2015 Zoning Board of Appeals Hearing

Attachment 6: Letter from Zoning Board of Appeals to the Mayor

Exhibits: Ordinance authorizing a Conditional Use Permit to operate a Food Processing Establishment at 632 W. Algonquin Road.

Exhibit A: Plat of Survey prepared by A.P. Surveying Company, PC, and dated May 25, 2001.

Exhibit B: Site Plan submitted by Winston Sevilla on June 5, 2015.

Exhibit C: Floor Plan submitted by Winston Sevilla on June 5, 2015.



CONDITIONAL USE APPLICATION

DO NOT WRITE IN THIS AREA - FOR OFFICE USE ONLY

CASE NUMBER: 15-035-CU DATE FILED 5/27/15

Address of Conditional Use: 632 Aragon St 100-101, Des Plaines, IL.

Fee Paid/Receipt Number: 121275 Amount: \$ 386 Date: 5/27/15

PDF's are being: Submitted on a CD-ROM OR E-mailed to the Project Manager

Project Manager: Winston Sevilla

Legal Notice Publication Date: June 12, 15, published in the: Journal Topics

Scheduled hearing date: June 30, 15 at 7:30 P.M. in Room 102, City Hall

Action by Zoning Administrator/Zoning Board of Appeals/City Council: _____

A Conditional Use is requested in accordance with the City of Des Plaines Zoning Ordinance Section(s) 7.3.1 as amended, to allow the:

Food Processing

on the property described by the attached legal description.

Applicant(s) Name: WINSTON SEVILLA Signature [Signature]

Telephone: (847) 804-8330 Fax: _____

Mailing Address: sevillas-chicago@yahoo.com

1115 Marshall drive
DES PLAINES IL 60016

Property Owner(s) Name: MCZYSKI Signature [Signature]

Telephone: 773 744 2671 Fax: 847-768-0204

Mailing Address: 4721 LAUREL GLENVIEW IL 60045

Contact Person: WINSTON SEVILLA

Telephone: (847) 804-8330 Fax: _____ E-Mail: sevillas-chicago@yahoo.com
LIVELY GENIE @ gmail.com

Mailing Address: 1115 MARSHALL DR. Des Plaines IL. 60016

Address of Property: 632 ALGONQUIN Rd. Des Plaines, IL. 60016

Property Index Number: 08 - 24 - 102 - 007

(From tax bill or township assessor's office)

Applicant's interest in the property: sole owner lessee contract purchaser

Other (explain): _____

Present Zoning Classification of Property: C-3

Current Use of Property: VACANT

Proposed Use of Property: FILIPINO RESTAURANT (CATERING AND DINE IN)

Bulk and Scale Evaluation (Please fill out completely):

TRUST INFORMATION

Name(s) of Trust Beneficiary (ies)*

Address (es) of Trust Beneficiary (ies)*

* All applications involving property held by a land trust must be signed by the trust officer of the institution holding the trust as the owner of the property. Additionally, the trust beneficiary and his/her current address must be disclosed on this form. The application must also be accompanied by the following:

- A certified copy of the trust agreement.
 - A letter from the trustee certifying that the beneficiary as shown on this application is correct and disclosing any beneficiary changes or lack thereof during the 12 months preceding the filing of this application.
-

STANDARDS FOR CONDITIONAL USES

The Zoning Board of Appeals and the City Council review the particular facts and circumstances of each proposed Conditional Use in terms of the following standards. Because of this, please answer all questions in detail. "Yes" and "No" answers will not be accepted, and if used, may delay your hearing.

please see attached

- A. Is the proposed conditional use, in fact, a conditional use established within the specific zoning district involved? **(Please explain in detail)**

- B. Is the proposed conditional use in accordance with the objectives of the City's Comprehensive Plan and this Ordinance? **(Please explain in detail)**

- C. Is the proposed conditional use designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity? **(Please explain in detail)**

- D. Is the proposed conditional use is not hazardous or disturbing to existing neighboring uses? **(Please explain in detail)**

- E. Is the proposed conditional use to be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, waste and sewer, and schools; or the persons or agencies responsible for the establishment of the proposed conditional use shall provide adequately any such services? **(Please explain in detail)**

- F. Does the proposed conditional use does create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community? **(Please explain in detail)**
- G. Does the proposed conditional use involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors? **(Please explain in detail)**
- H. Does the proposed conditional use provide vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares? **(Please explain in detail)**
- I. Does the proposed conditional use result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance? **(Please explain in detail)**
- J. Does the proposed conditional use comply with all additional regulations in this Ordinance specific to the conditional use requested? **(Please explain in detail)**

I hereby certify that all of the above statements and those contained in any papers or plans submitted herewith are true to the best of my knowledge and belief. Furthermore, I consent to the entry in or upon the premises described in the application, by any authorized official of the City of Des Plaines, for the purpose of posting; maintaining, and removing public hearing notices as may be required, and, as well as, conducting site analysis.

WINSTON SEVILLA



(Signature of Applicant or Authorized Agent)

JOANA MARIE SANDIEGO 5/27/15



(Date)



(Signature of Owner)

5 27 . 15

(Date)

STANDARDS FOR CONDITIONAL USES ANSWERS

- A. This proposed conditional use is established within the specific zoning district. It is located at 632 Algonquin Rd, Des Plaines, IL 60016 which is within the domain of this zoning district.**
- B. The operations and transactions made by Kamayan Tayo's owners will follow the objectives of the City's Comprehensive plan. It will guide the decisions and actions made during its daily operations.**
- C. Kamayan Tayo restaurant is an indoor catering/restaurant establishment. There will be no exterior changes or alterations that will affect the existing appearance or character of the general vicinity. Its operations will be done inside and those changes made will be in accordance with the specifications set by the City Council.**
- D. The proposed conditional use will not in any way cause havoc and disturbance to existing neighboring uses. It will operate between the hours of 11:00 until 8:00 pm. Said establishment won't be causing noise that would disrupt the place in the neighboring area. It will be checked monthly for safety, to uphold inspection standards set and required by the Illinois Dept. of Public Health.**
- E. This proposed conditional use will be equipped with ADT Security Services to provide monitoring and surveillance of said establishment to provide security and care to its customers, its employees, and surrounding neighbors. The security system will alarm for the police and fire department assistance if need be.**

- F. The proposed conditional use will operate as 80% catering and 20% dine in establishment and will use its own resources to function independently. It will not require the utilization of public facilities and services to operate, therefore won't be detrimental to the economic welfare of the community. It will operate and function as a privately managed establishment.**
- G. Kamayan Tayo restaurant's equipments and utilities used for its operation will be maintained and checked for safety and compliance to the regulations set by the Illinois Dept. of Public Health and the Des Plaines City Council.**
- H. The building owner has designed easy and safe vehicular access to the establishment, and won't create with traffic. There is adequate parking space in the front and back parking lot to accommodate the public. Flow of traffic won't be affected because there is easy access coming in and out of the business location..**
- I. There won't be any destruction, loss, or damage of natural, scenic or historic feature of major importance with the operation of Kamayan Tayo restaurant. It will occupy Suites 100-101 and its operation won't in any way affect the overall architecture and image of the building.**
- J. Kamayan Tayo and its owners and staff will completely abide by the rules and regulations set forth by the City Council and Illinois Dept. of Public Health. We are completely aware of our legal duties and responsibilities and will be operating according to the specifications given/provided. Its owners will be held duly accountable for any transactions made within said establishment.**

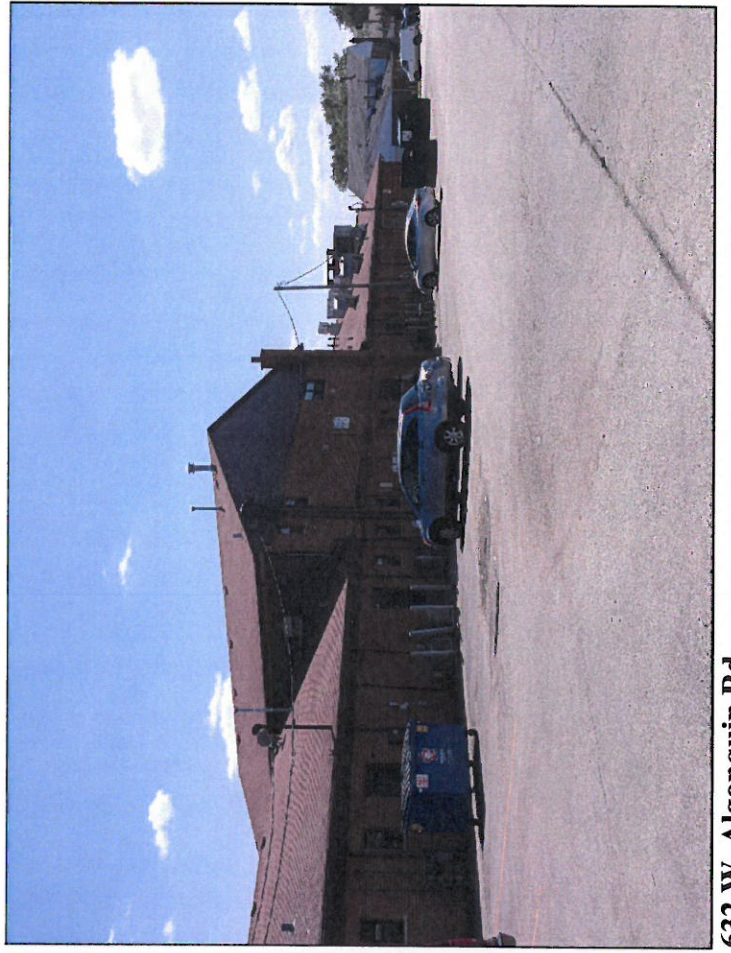
Attachment 2, Location Map - 632 W Algonquin Rd



Prepared by Community and Economic Development Department: SM, June 24, 2015



632 W. Algonquin Rd



632 W. Algonquin Rd



632 W. Algonquin Rd



632 W. Algonquin Rd

PLAN OF OPERATION

**KAMAYAN TAYO RESTAURANT WILL BE OPEN FOR BUSINESS FROM TUESDAYS
UNTIL SUNDAYS FROM 11AM UNTIL 8 PM. IT WILL BE CLOSED ON MONDAYS.**

THERE WILL BE A TOTAL OF 4 EMPLOYEES DAILY.

**IT WILL ACCEPT CATERING ORDERS FOR PICK UP AND DINE IN CUSTOMERS
WITH A MAXIMUM OF 4-6 TABLES IN USE.**

IT WILL SPECIALIZE IN SERVING AUTHENTIC FILIPINO DISHES.

May 5, 2015

City of Des Plaines

Community & Economic Development Dept.

1420 Miner St. Des Plaines, IL 60016

To Whom It May Concern:

We would like to inform your office that I, Winston Y. Sevilla and my business partner, Joana Marie San Diego would like to open "Kamayan Tayo", a Filipino restaurant at a business establishment located at Suite 100-101 632 W. Algonquin Road, Des Plaines, IL 60016.

We will be specializing in serving authentic Filipino dishes both in our dine-in setting and catering service. Our planned dine-in setting will comprise of maximum of 4-6 tables. The big bulk of our business will be focused on catering/take-out services. We are looking forward to serving a bigger populace who love authentic Filipino cuisine and for those who are willing to experience our specialties.

We are hoping that you will allow us to open our business and we look forward to contribute to our community.

Sincerely,


Winston Y. Sevilla


Joana Marie San Diego

May 27, 2015

The Department of Community Development

City of Des Plaines

1420 Miner Street

Des Plaines, IL 60016

To Whom It May Concern:

We would like to request a waiver in submitting a traffic study in our application for conditional uses due to budgetary constraints. We will however, maintain order and follow regulations imposed by the City Council in regards to traffic in our daily business transactions.

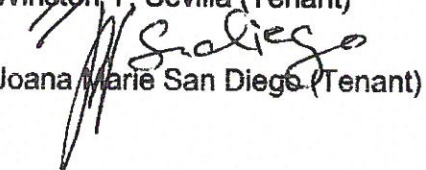
We are hoping that you would take our request into consideration.

Thank you and more power.

Sincerely,


Mark Jaczynski (Owner)


Winston Y. Sevilla (Tenant)


Joana Marie San Diego (Tenant)

Case #15-029-V 1836 Sycamore Street
Case #15-033-CU-V 1469 Rand Road
Case #15-035-CU 632 W. Algonquin Road
June 30, 2015
Page 1



DES PLAINES ZONING BOARD MEETING

JUNE 30, 2015
MINUTES

The Des Plaines Zoning Board Meeting held its regularly scheduled meeting on Tuesday, June 30, 2015, at 7:30 p.m. in Room 101 of the Des Plaines Civic Center.

ZONING BOARD

PRESENT: Seegers, Szabo, Catalano, Saletnik, Hofherr, Schell, Green

ALSO PRESENT: Scott Mangum, Senior Planner, Department of Community & Economic Development
Gale Cerabona, Recording Secretary

Chairman Seegers called the meeting to order at 7:32 p.m. & read this evening's cases.

APPROVAL OF MINUTES:

A motion was made by Board Member Hofherr, seconded by Board Member Schell, to approve the meeting minutes of May 26, 2015, as presented.

AYES: Hofherr, Schell, Green, Catalano, Saletnik, Seegers

NAYES: None

MOTION CARRIED UNANIMOUSLY

NEW BUSINESS

1. **Address:** 1836 Sycamore Street

Case Number: 15-029-V

Petitioner is requesting a variation to Section 7.2-5.D of the 1998 City of Des Plaines Zoning Ordinance, as amended: to legalize the construction of a detached accessory structure (shed) with rear and side setbacks of approximately zero feet, where a 5' minimum side and rear setback is required in the R-2 zoning district.

PIN: 09-28-117-029-0000

Petitioner: Diane Meore, 1836 Sycamore Street, Des Plaines, IL 60018

Owner: Diane Meore, 1836 Sycamore Street, Des Plaines, IL 60018

Chairman Seegers swore in Diane Meore, 1836 Sycamore Street, Des Plaines, IL 60018 who advised she replaced the shed with a larger one. She noted the fence has a hole in it and cannot be fixed for financial

Case #15-029-V 1836 Sycamore Street
Case #15-033-CU-V 1469 Rand Road
Case #15-035-CU 632 W. Algonquin Road
June 30, 2015
Page 2

reasons. Ms. Meore advised her son is handicapped, and she is the sole supporter.

Board Member Szabo arrived at 7:38 p.m.

Chairman Seegers asked if the shed is on the property line. Ms. Meore advised – there is no other place to put the shed.

Chairman Seegers asked if the Board has any questions.

Board Member Saletnik asked if it is on a concrete pad. Ms. Meore advised – no, it's on the dirt.

Chairman Seegers asked if the shed has a floor. Ms. Meore advised – yes, a plastic floor that came with the kit.

Chairman Seegers asked Staff to provide the summary report.

Issue: The petitioner is requesting a variation to Section 7.2-5.D of the 1998 City of Des Plaines Zoning Ordinance, as amended: to legalize the construction of a detached accessory structure (shed) with rear and side setbacks of approximately zero feet, where a 5' minimum side and rear setback is required in the R-2 zoning district.

Analysis:

Address: 1836 Sycamore Street

Existing Zoning: R-1, Single Family Residential

Petitioner: Diane Meore, 1836 Sycamore Street, Des Plaines, IL 60018

Owner(s): Diane Meore, 1836 Sycamore Street, Des Plaines, IL 60018

PIN: 09-28-117-029-0000

In reviewing the variation requests, staff has considered the following information:

The 29-foot wide by approximately 133-foot deep lot (3,867 SF) at 1836 Sycamore Street is legal nonconforming regarding both the minimum lot width (45' would be required of a new subdivision), and lot size (6,875 square feet would be required of a new subdivision). The property is improved with a two-story attached single-family residence with a shared driveway. Code enforcement cited the property owner for installing a 10-foot by 8-foot shed without a permit in response to a complaint. The shed is located in the southwest corner of the lot against fences along the side and rear property lines. A mature tree of a significant size is located east of the existing shed location.

Staff is awaiting information from the applicant about the fire rating of the shed to determine whether the building code would allow the shed within 5-feet of the property lines.

Recommendation: Staff recommends approval of the requested side-yard setback variation and denial of the requested rear-yard setback variation based on review of the information presented by the applicant and

the standards and conditions imposed by Section 3.6-8 (Findings of Fact for Variations) as outlined within the City of Des Plaines Zoning Ordinance, subject to the following condition of approval:

1. Prior to issuance of a building permit, the applicant shall provide adequate documentation regarding construction of the shed to evaluate whether the location is in compliance with applicable building codes.

The recommendation for approval for approval of the side yard setback is based on the fact that the lot is non-conforming with regards to the lot width and the principal structure is located on the property line as an attached structure. However, there does not appear to be a hardship with regards to the depth of the lot that would prevent relocating the shed to be in conformance with the required five-foot rear yard setback requirement.

Zoning Board of Appeals Procedure:

Under Section 3.6-6 of the Zoning Ordinance (Standard Variations) the Zoning Board of Appeals has the authority to approve, approve subject to conditions, or disapprove the above-mentioned variances for the side and rear yard setback of a shed within the R-2 Zoning District.

Chairman Seegers verified the shed is within the easement.

Board Member Catalano asked, if the shed is moved 5 ft., would the hole in the fence be covered. Ms. Meore responded – no.

Chairman Seegers asked if the previous shed was located there. Ms. Meore advised – yes for 20 years.

Board Member Catalano asked if the hole is in the back or side of fence. Ms. Meore advised – the side fence.

Board Member Green asked if there is a fence in back of the shed. Ms. Meore advised – yes.

Chairman Seegers asked if anyone in the audience is in favor or opposes this project. No one responded.

A motion was made by Board Member Green, seconded by Board Member Hofherr, to accept the Staff recommendation including variations and grant the side yard of 0 ft. and deny the rear yard of 0 ft.

AYES: Green, Hofherr, Catalano, Schell

ABSTAIN: Szabo

NAYES: Saletnik, Seegers

*****MOTION CARRIED 4-2*****

After an explanation to Ms. Meore, she stated it is impossible to move the shed due to a Poplar tree. Chairman Seegers clarified it is adjacent with not enough room to move.

Chairman Seegers asked if the Board has any further discussion.

Board Member Hofherr stated it appears the shed can be moved up further next to the tree. Ms. Meore advised the photos are incorrect.

Board Member Saletnik referred to Attachment 3 and stated there is a shed next door and wonders what the rear set back is in that yard. Board Member Catalano stated, in Attachment 2, every shed is up against the fence.

Board Member Green stated:

- it appears the shed could be moved 5 ft.
- there was a complaint on this shed

Board Member Green withdrew his motion. Board Member Hofherr accepted the withdrawn motion.

Board Member Saletnik stated the shed appears to be a Rubbermaid (plastic) one that is self-contained; not permanent – no foundation into the ground. He noted, per the photo in Attachments 2&3, it appears other sheds have 0 ft. rear-yard setbacks. Board Member Catalano concurred.

A motion was made by Board Member Saletnik, seconded by Board Member Schell, to grant the variations as requested for rear and side setbacks.

AYES: Saletnik, Schell, Green, Catalano, Hofherr, Seegers

ABSTAIN: Szabo

NAYES: None

*****MOTION CARRIED 6-0*****

2. **Address:** 1469 Rand Road

Case Number: 15-033-CU-V

Petitioner is requesting a Conditional Use permit under Section 7.3-6-C and a major variation to Table 7.3.1 of the 1998 City of Des Plaines Zoning Ordinance, as amended: to authorize motor vehicle sales, on a site of less than 25,000 square feet in the C-3 Zoning District.

PIN: 09-17-205-127-0000

Petitioner: Avenue Auto Sales Inc., Anthony Bottalla, P.O. Box 31489, Chicago, IL 60631

Owner: Anthony J. Bottalla Trust, Anthony Bottalla, P.O. Box 31489, Chicago, IL 60631

Chairman Seegers swore in Anthony Bottalla, P.O. Box 31489, Chicago, IL 60631 who advised the request is for a Conditional Use Permit and variation.

Chairman Seegers asked/reminded:

- if there is a newer version of the plan. Mr. Bottalla advised – yes, based on the limitation of 17 vehicles, adjustments were made. Currently this property was previously-approved for 50 vehicles

Case #15-029-V 1836 Sycamore Street
Case #15-033-CU-V 1469 Rand Road
Case #15-035-CU 632 W. Algonquin Road
June 30, 2015
Page 5

(for 2015). Mr. Bottalla stated he would appreciate at least a maximum of 40 vehicles. He noted driveways may be moved and shortened by the City.

- if Petitioner needs space for patrons. Mr. Bottalla advised – yes
- the Commission will recommend and the City Council will have the final authority

Board Member Szabo asked if Petitioner is going to maintain the building or teardown and build a new one. Mr. Bottalla advised – he is looking to rehab the façade. He noted a current business (elsewhere) will be moved to this location. He stated the building could be removed at a later date. Mr. Bottalla advised he also owns the property next door.

Board Member Hofherr asked what type of work is occurring in the building. Mr. Bottalla advised – nothing. He shared that a door had been kicked in so he decided to seal the building off for safety reasons. Board Member Hofherr suggested Petitioner contact the Building Department for a permit.

Board Member Catalano asked:

- if the current business allows for 50 vehicles. Mr. Bottalla advised – no, the previous business stored 50 cars (a business with a license to park up to 50 cars). Mr. Mangum advised – it is a classification; a business licensing category; currently not a Conditional Use to sell vehicles.

Board Member Green clarified/asked:

- recommendations to relocate driveways. Staff concurred.
- if the parking area will be reasphalted. Mr. Bottalla advised – if the current narrower area could be landscaped, that is preferable. He stated he would like to install a wrought iron gate rather than have the adjacent driveway removed.
- if the entry allows eastbound entry but not westbound. Mr. Mangum stated it is currently skewed with a condition to realign/straighten the curb cut.

Board Member Szabo asked what type of vehicles will be sold. Mr. Bottalla advised – they will be in the \$5,000-\$15,000 range (as an average).

Chairman Seegers asked if the Board has other questions. No one responded. Chairman Seegers asked Staff to provide the summary report.

Analysis:

Proposed Use Motor Vehicles Sales

Petitioner Avenue Auto Sales Inc., Anthony Bottalla, P.O. Box 31489, Chicago, IL 60631

Owner Anthony J. Bottalla Trust, Anthony Bottalla, P.O. Box 31489, Chicago, IL 60631

PIN 09-17-205-127-0000

Plan of Operation	Avenue Auto Sales would employ 3 workers per shift and would operate Monday through Friday from 10:00 a.m. to 7:00 p.m. and Saturday from 10:00 a.m. to 5:00 p.m.
Existing Use	Vacant
Surrounding Land Use	North: Commercial East: Commercial South: Multi-Family Residential West: Commercial
Existing Zoning	C-3, General Commercial
Surrounding Zoning	North: C-3, General Commercial East: C-3, General Commercial South: R-3, Townhouse Residential West: C-3, General Commercial
Street Classification	This portion of Rand Road Street is identified as an arterial road according to the City's Comprehensive Plan.
Comprehensive Plan	The Comprehensive Plan recommends Community Commercial use for this site.

The applicant, Anthony Bottalla for Avenue Auto Sales, has requested a Conditional Use Permit and Major Variation for Motor Vehicle Sales at 1469 Rand Road. The 20,625 square-foot parcel is located on the south side of Rand Road and currently contains an approximately 400 square-foot one-story brick building. The site has 225-feet of frontage and is currently accessed by two 45-50 foot wide curb cuts off of Rand Road. The proposed site plan shows 22 parking spaces, 17 of which would be used to display vehicles, three for employee parking, and two for customer parking. The proposed plan of operation includes typical hours of operation on weekdays, Monday through Friday from 10:00 a.m. to 7:00 p.m., and Saturday from 10:00 a.m. to 5:00 p.m. Three employees would be at the location. Minimal landscaping is proposed between the line of parking stalls and the public sidewalk, in addition to two landscaped areas at the east and west edge of the property, and a grass area at the rear of the property. A major variation is sought because the lot is undersized compared to the 25,000 square-foot minimum requirement.

A request to waive the traffic study requirement was granted after review by the City's Engineering Division. Engineering staff comments to eliminate the eastern curb cut to limit pedestrian and auto conflict points, straighten the western curb cut to run perpendicular with Rand Road, and narrow the eastern driveway to a maximum of 36-feet to allow for 1 ingress and two egress lanes, are incorporated into the conditions of approval.

Conditional Use Findings: As required by Section 3.4-5 (Standards for Conditional Uses) of the Zoning Ordinance, the proposed development is reviewed below:

A. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: Motor Vehicles Sales is a Conditional Use in C-3, General Commercial Zoning District, as specified in Section 7.3-6.C of the 1998 City of Des Plaines Zoning Ordinance, as amended.

B. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The 2007 Comprehensive Plan recommends a Community Commercial use for the site.

C. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed Motor Vehicle Sales operation fronts on Rand Road, an arterial road that currently has an auto-oriented character in the area. Conditions of approval incorporate landscaping and operational requirements to lessen the impact of operations.

D. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: With proposed conditions of approval relating to landscaping, fencing, and lighting, none of the functions of the Motor Vehicle Sales operation are anticipated to be hazardous or disturbing to the surrounding neighborhood.

E. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: After reviewing the petitioner's plans, the proposed Conditional Use would be served adequately by essential public facilities and it would not overburden existing public services.

F. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed Conditional Use would appear to have adequate public facilities; it would not create a burden on public facilities nor would it be a detriment to the economic wellbeing of the community.

G. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: With proposed Conditions of Approval, the proposed Motor Vehicle Sales operation is not anticipated to create additional traffic, noise, or odors that could be detrimental to surrounding land uses.

H. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: Two overly-wide curb cuts are located on Rand Road, an Illinois Department of Transportation Right-of-Way. Based on an evaluation of the existing conditions and with proposed conditions of approval

to consolidate and narrow curb cuts, staff does not find any evidence for potential interference with traffic patterns.

I. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: No significant exterior building alterations are proposed. With conditions of approval, the proposed plan would remove impervious surface, and it would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance.

J. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: Other than the major variation request for Motor Vehicle Sales on a lot of less than 25,000 square feet, it appears that with conditions of approval the proposed conditional use would comply with all additional regulations within the Zoning Ordinance.

Recommendation: The Community Development Department recommends approval of the Conditional Use Permit and Variation requests for the establishment of a Motor Vehicle Sales operation, based on review of the information presented by the applicant and the findings made above, as specified in Section 3.4-5 (Standards for Conditional Uses) and in Section 3.6-7 (Major Variations) of the City of Des Plaines Zoning Ordinance, subject to conditions of approval:

1. Prior to issuance of the Conditional Use Permit, the applicant shall submit a Landscape Plan with a landscaped area with a minimum of a 7-foot depth along the north property line (Rand Road frontage), consisting of shrubs or a continuous hedge (measuring a minimum of 18 inches at planting and not to exceed 4 feet at maturity), groundcover, and not less than three shade trees, and a three to four foot high wrought-iron style fence located 2-feet from the edge of the parking area. The Plan shall also include a 6-foot wood privacy fence along the entire length of the rear (south) property line.
2. Prior to Issuance of the Conditional Use Permit, the applicant shall submit a Site Plan that eliminates the eastern curb cut, straightens the western curb cut to run perpendicular with Rand Road, and narrows the western driveway to a maximum of 36-feet in width to allow for 1 ingress and two egress lanes to the satisfaction of the Director of Public Works and Engineering.
3. Prior to occupancy, the applicant shall complete site improvements as indicated on the revised Site and Landscape Plans.
4. The number of vehicles for sale shall be limited to no more than 17.
5. Prior to the issuance of the Conditional Use Permit, the applicant shall submit a photometric plan that limits the maximum amount of horizontal foot-candles on residential properties to not more than 0.2 foot-candles at the multi-family residential property lines.
6. All landscaping materials shall be maintained in good condition so as to present a healthy and orderly appearance, and plant material not in this condition shall be replaced when necessary and shall be kept free of refuse and debris.
7. All parking areas shall be surfaced and striped to meet all applicable Building Code hard surface requirements.

With proposed conditions of approval to improve the appearance of a highly visible property on a major arterial, provide screening, and limit the light spill-over to adjacent residential properties it is not anticipated that the proposed use would cause significant negative impacts.

Zoning Board of Appeals Procedure: Under Sections 3.4-4-C (Conditional Uses) and 3.6-7 (Major Variations) of the Zoning Ordinance the Zoning Board of Appeals has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned Conditional Use Permit and Major Variation for the establishment of a Motor Vehicle Sales establishment in the C-3 zoning district. The City Council has the final authority on these portions of the project.

Board Member Catalano asked:

- if Petitioner has an issue with the fence. Mr. Bottalla advised – no
- about the driveway. Mr. Bottalla advised – he is not sure why this is being shortened

Board Member Szabo asked:

- Petitioner if, of the 7 Conditions, he is in agreement with most except Condition #4
- Petitioner how many cars he would propose. Mr. Bottalla advised – 40 as a maximum. He believes, per the other car lots approved, this number seems appropriate.

Board Member Catalano advised he counted 88 spaces for the previously-approved business. Chairman Seegers reminded it was a parking lot not a sales lot.

Board Member Hofherr asked:

- Staff if the landscaping would be bushes. Mr. Mangum advised – they shouldn't be above 24 inches
- Staff, based on 32 spaces shown, what the requirement is. Mr. Mangum advised – the requirement for customers is 4 cars. Mr. Bottalla advised – the center aisle is 33 ½ ft. wide; vehicles could be parked parallel (or the long way). He noted if the building next door is knocked down, the spaces would be utilized and the business would be moved in the strip center next.

Mr. Bottalla noted the stretch on Rand Road is 115 ft. deep.

Board Member Green asked for clarification on the 7 ft. depth requirement. Mr. Mangum explained same.

Board Member Catalano referenced a previous business and its landscaping requirement.

Board Member Szabo asked:

- if the strip mall is fully occupied. Mr. Bottalla advised – yes
- if Petitioner owns the Red Hot business. Mr. Bottalla advised – yes

Chairman Seegers clarified this is a recommendation to City Council.

Chairman Seegers asked if the Board has any questions.

Board Member Szabo stated that the issue is how many vehicles are allowed for display on this property. Mr. Mangum stated Staff recommends 17 (Petitioner asked for 32). Board Member Catalano asked if a number is preferred by Staff. Mr. Mangum advised – the 17 was based on the site plan initially submitted, it is recommended the site plan indicate all spaces requested.

Case #15-029-V 1836 Sycamore Street
Case #15-033-CU-V 1469 Rand Road
Case #15-035-CU 632 W. Algonquin Road
June 30, 2015
Page 10

Board Member Green asked if all spaces are striped. Mr. Mangum advised – yes, they should be.

Discussion took place on the recommended number of spaces. Mr. Mangum stated this Board could recommend a number; the plan would need to be revised.

Board Member Saletnik stated more customer spaces may be needed for a successful business. He noted 40 vehicles seem excessive but perhaps 35 may work.

Chairman Seegers asked if anyone in the audience is in favor or objects. No one responded.

A motion was made by Board Member Hofherr, seconded by Board Member Szabo, to recommend that City Council approve this petition with Condition #4 to be raised to 30 vehicles and other Conditions as noted by Staff. Board Member Szabo suggested the spaces should be 28; discussion ensued. Board Member Hofherr amended, and Board Member Szabo accepted the amendment, that spaces be designated as follows:

- **Sales Parking 30**
- **Customer Parking 4**
- **Employee Parking 3**

Chairman Seegers clarified the above. Board Member Catalano stated 40 cars could be parked with 4 additional customer spaces. Board Member Szabo responded – that could impact circulation.

Petitioner advised that based on the lateness in receiving the site plan, he didn't have time to arrange all parking spaces (that the architect illustrated). He noted that if only 40 cars are on display, 20 may be sold per month. He continued that if there are 17 spaces, he wouldn't open the business.

Board Member Green stated if a revised plan is brought to City Council members, they could make a determination; Mr. Mangum concurred.

Board Member Saletnik stated there is a concern that there could be too many cars on the lot.

AYES: Hofherr, Szabo, Green, Catalano, Saletnik, Schell, Seegers

NAYES: None

*****MOTION CARRIED UNANIMOUSLY*****

3. Address: 632 W. Algonquin Road Case Number: 15-035-CU

Petitioner is requesting a Conditional Use permit under Section 7.3-6-C of the 1998 City of Des Plaines Zoning Ordinance, as amended: to operate a Food Processing Establishment (Catering) in the C-3 Zoning District.

PIN: 08-24-102-007-0000

Petitioner: Winston Sevilla, 1115 Marshall Drive, Des Plaines, IL 60016

Owner: Marek Jaczynski, 4721 Laurel Avenue, Glenview, IL 60025

Chairman Seegers swore in Mr. & Mrs. Sevilla from 1115 Marshall Drive, Des Plaines, IL 60016 & Mr. Jaczynski at 4721 Laurel Avenue, Glenview, IL 60025. Mr. & Mrs. Sevilla stated they wish to operate a catering business (80%) & Filipino restaurant (20%) which will accommodate 3 tables & 14 chairs.

Chairman Seegers asked:

- what hours of operation are. Mrs. Sevilla advised – 11 a.m. – 8 p.m. on Tuesday-Sunday & closed on Monday
- if Petitioners will deliver & serve? Mrs. Sevilla advised – they will deliver and set up; take out is available also
- how big the restaurant is. Mr. Jaczynski advised – 1,500 sq. ft.
- where exactly the restaurant is in the mall. Mrs. Sevilla advised – in the center

Board Member Szabo asked if the business is catering or take out. Mrs. Sevilla advised – for bigger luncheons, food would be delivered.

Board Member Saletnik asked how this is being marketed. Mr. Sevilla advised – he and his wife both work at Lutheran General Hospital, and there is a demand with employees. He noted nursing homes will be targeted too.

Chairman Seegers asked if the Board has any questions. No one responded. Chairman Seegers asked Staff to provide the summary report.

Issue: The petitioner is requesting a Conditional Use permit under Section 7.3-6-C of the 1998 City of Des Plaines Zoning Ordinance, as amended: to operate a Food Processing Establishment (Catering) in the C-3 Zoning District.

Analysis:

Proposed Use	Food Processing Establishment (Catering business with accessory Restaurant)
Petitioner	Winston Sevilla, 1115 Marshall Drive, Des Plaines, IL 60016
Owner	Marek Jaczynski, 4721 Laurel Avenue, Glenview, IL 60025
PIN	08-24-102-007-0000
Plan of Operation	Kamayan Tayo Restaurant would average 4 workers per shift and would operate 6 days per week (Tuesday-Sunday) from 11:00 a.m. to 8:00 p.m.
Existing Use	Vacant tenant space
Surrounding Land Use	North: Multi-Family Residential East: Multi-Family Residential South: Single-Family Residential West: Commercial (Shopping Center)

Existing Zoning	C-3, General Commercial
Surrounding Zoning	North: R-3, Townhouse Residential East: R-3, Townhouse Residential South: R-1, Single-Family Residential West: C-3, General Commercial
Street Classification	This portion of Algonquin Road is identified as a collector road according to the City's Comprehensive Plan.
Comprehensive Plan	The Comprehensive Plan recommends Community Commercial use for this site.

The applicant, Winston Sevilla, has requested a Conditional Use Permit to open a catering business with accessory restaurant (Food Processing Establishment) within an existing shopping center at 632 W Algonquin Road. The approximately 32,755 square-foot parcel is located on the north side of Algonquin Road and currently contains a multi-tenant one and two-story brick building which is occupied by several retail and service related uses. The site is currently accessed by two curb cuts off of Algonquin Road with the western driveway shared with an adjacent shopping center. 44 parking spaces are located in front of the building and are shared by the building tenants.

The applicant proposes to operate a catering business within a vacant, roughly 1,600 square foot tenant space which was previously occupied by a retailer. Kamayan Tayo Restaurant would average 4 workers per shift and would operate 6 days per week (Tuesday-Sunday) from 11:00 a.m. to 8:00 p.m. The operation would be primarily offer catering and carry-out service (80%), but would also provide a small dining area with three tables and 12 seats. A request to waive the traffic study requirement was granted after review by staff based on the proposed site plan and size of the operation.

Conditional Use Findings: As required by Section 3.4-5 (Standards for Conditional Uses) of the Zoning Ordinance, the proposed development is reviewed below:

A. The proposed Conditional Use is in fact a Conditional Use established within the specific Zoning district involved:

Comment: A Food Processing Establishment is a Conditional Use in C-3, General Commercial Zoning District, as specified in Section 7.3-6.C of the 1998 City of Des Plaines Zoning Ordinance, as amended.

B. The proposed Conditional Use is in accordance with the objectives of the City's Comprehensive Plan:

Comment: The 2007 Comprehensive Plan recommends a Community Commercial use for the site.

C. The proposed Conditional Use is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity:

Comment: The proposed Food Processing Establishment is located on Algonquin Road, a collector road that currently has an auto-oriented character in this area.

D. The proposed Conditional Use is not hazardous or disturbing to existing neighboring uses:

Comment: Based on the previous use and plans submitted, none of the functions of the Food Processing Establishment are anticipated to be hazardous or disturbing to the surrounding neighborhood.

E. The proposed Conditional Use is to be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or, agencies responsible for establishing the Conditional Use shall provide adequately any such services:

Comment: After reviewing the petitioner's plans, the proposed Conditional Use would be served adequately by essential public facilities and it would not overburden existing public services.

H. The proposed Conditional Use does not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic well-being of the entire community:

Comment: The proposed Conditional Use would appear to have adequate public facilities; it would not create a burden on public facilities nor would it be a detriment to the economic wellbeing of the community.

I. The proposed Conditional Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors:

Comment: Based on the plans submitted, the proposed Food Processing Establishment is not anticipated to create additional traffic, noise, or odors that could be detrimental to surrounding land uses.

H. The proposed Conditional Use provides vehicular access to the property designed so that it does not create an interference with traffic on surrounding public thoroughfares:

Comment: The proposed project would utilize the existing curb cuts on Algonquin Road for access. The Illinois Department of Transportation has jurisdiction over the adjacent section of Algonquin Road. Based on an evaluation of the existing conditions and plans provided, staff does not find any evidence for potential interference with traffic patterns.

I. The proposed Conditional Use does not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance:

Comment: Reuse of the existing building is proposed. The proposed plan would not cause the destruction, loss, or damage of any natural, scenic or historic features of major importance.

J. The proposed Conditional Use complies with all additional regulations in the Zoning Ordinance specific to the Conditional Use requested:

Comment: It appears that the proposed conditional use complies with all additional regulations within the Zoning Ordinance.

Recommendation: The Community Development Department recommends approval of the Conditional Use Permit for the operation of a Food Processing Establishment, based on review of the information presented by the applicant and the findings made above, as specified in Section 3.4-5 (Standards for Conditional Uses) of the City of Des Plaines Zoning Ordinance, subject to conditions of approval:

8. All parking areas shall be surfaced and striped to meet all applicable Building Code hard surface requirements.

The proposed use would occupy a vacant tenant space within an existing shopping center and the operations are not expected to cause a negative impact on surrounding land uses.

Zoning Board of Appeals Procedure: Under Sections 3.4-4-C (Conditional Uses) of the Zoning Ordinance the Zoning Board of Appeals has the authority to recommend that the City Council approve, approve subject to conditions, or deny the above-mentioned Conditional Use Permit for the operation of a Food Processing Establishment in the C-3 zoning district. The City Council has the final authority on the project.

Board Member Catalano asked if the existing condition of the lot conforms. Mr. Jaczynski advised – he striped and paved last year.

Chairman Seegers asked if anyone in the audience is in favor or objects. No one responded.

A motion was made by Board Member Hofherr, seconded by Board Member Green, to recommend that City Council approve as presented with 1 Condition as noted by Staff.

AYES: Hofherr, Green, Catalano, Szabo, Saletnik, Schell, Seegers

NAYES: None

*****MOTION CARRIED UNANIMOUSLY*****

OLD BUSINESS/ANNOUNCEMENT

Chairman Seegers announced that his term expired at the end of April. He advised the Board that he contacted the Mayor via a letter and phone call, however, there has been no response. Chairman Seegers read a summation of the letter.

Chairman Seegers advised the Board that per the code, the Chairman is appointed by the Board. He shared that the new ordinance states the Chairman is appointed by the Board annually.

Chairman Seegers stated he has enjoyed working with everyone and believes it is time to spend more time with his family. Various compliments and good luck were wished for Chairman Seegers.

Case #15-029-V 1836 Sycamore Street
Case #15-033-CU-V 1469 Rand Road
Case #15-035-CU 632 W. Algonquin Road
June 30, 2015
Page 15

Audience members Mr. Serbin & Mrs. Seegers along with Mr. Mangum thanked Chairman Seegers for all his dedication to the City of Des Plaines.

ADJOURNMENT

The meeting adjourned at 9:26 p.m.

Sincerely,

Gale Cerabona
Recording Secretary

cc: City Officials, Aldermen, Zoning Board of Appeals, Petitioners



**City of Des Plaines
Community Development
Planning & Zoning Division**

1420 Miner Street
Des Plaines, IL 60016
Tel: 847-391-5306
Fax: 847-827-2196

June 30, 2015

Mayor Bogusz and Des Plaines City Council
CITY OF DES PLAINES

Subject: Zoning Board of Appeals, 632 W. Algonquin Road, Case # 15-035-CU

RE: Request to authorize a Conditional Use Permit for operation of a Food Processing Establishment

Honorable Mayor and Members of the Des Plaines City Council:

The Zoning Board of Appeals met on June 30, 2015 to consider the above petition. The Zoning Board of Appeals submits the following:

1. Mr. and Mrs. Winston and Mary Sevilla, petitioners, presented the pertinent facts.
2. The Community and Economic Development Department recommended approval of the Conditional Use Permit, subject to conditions of approval.
3. No members of the public spoke regarding the proposal.
4. The Zoning Board of Appeals *recommended* (7-0) that the City Council *approve* the Conditional Use Permit for the operation of a Food Processing Establishment, subject to conditions of approval.

Respectfully submitted,

Arnie Seegers,
Des Plaines Zoning Board of Appeals, Chairman

cc: City Officials
Aldermen
File

CITY OF DES PLAINES

ORDINANCE Z - 24 - 15

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF FOOD PROCESSING ESTABLISHMENT IN THE C-3 ZONING DISTRICT AT 632 W. ALGONQUIN ROAD, DES PLAINES, ILLINOIS. (CASE #15-035-CU).

WHEREAS, Winston Sevilla ("*Petitioner*") is the lessee of the property commonly known as 632 W. Algonquin Road, Des Plaines, Illinois ("*Subject Property*"); and

WHEREAS, the Subject Property is located in the C-3 General Commercial Zoning District of the City ("*C-3 District*"); and

WHEREAS, the Petitioner desires to operate a catering business with accessory restaurant ("*Food Processing Establishment*") on the Subject Property; and

WHEREAS, the operation of a Food Processing Establishment is permitted in the C-3 District only with a conditional use permit; and

WHEREAS, the Petitioner submitted an application to the City of Des Plaines Department of Community and Economic Development ("*Department*") for a conditional use permit to allow the operation of a Food Processing Establishment ("*Conditional Use Permit*") on the Subject Property in accordance with Section 12-7-3.F.3 of the City of Des Plaines Zoning Ordinance of 1998, as amended ("*Zoning Ordinance*"); and

WHEREAS, the Subject Property is owned by Marek Jaczynski ("*Owner*"), who has consented to the Petitioner's application; and

WHEREAS, the Petitioner's application was referred by the Department to the Zoning Board of Appeals of the City of Des Plaines ("*Board*") within 15 days after the receipt thereof; and

WHEREAS, within 90 days after the date of the Petitioner's application a public hearing was held by the Board on June 30, 2015 pursuant to notice published in the *Journal* on June 12, 2015; and

WHEREAS, notice of the public hearing was mailed to all owners of property located within 300 feet of the Subject Property; and

WHEREAS, during the public hearing, the Board heard competent testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the applicable provisions of the Zoning Ordinance. The Board filed a written report with the City Council on June 30, 2015, summarizing the testimony and evidence received by the Board and stating the

Board's recommendation, by a vote of 7-0, to approve the Petitioner's application, subject to conditions; and

WHEREAS, the Petitioner made certain representations to the Board with respect to the proposed conditional use, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Conditional Use Permit subject to certain terms and conditions; and

WHEREAS, the City Council has considered the written report of the Board, together with the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated July 1, 2015, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is depicted on the "Plat of Survey" prepared by A.P. Surveying Company, PC., consisting of one sheet, and dated May 25, 2001, attached to and, by this reference, made a part of this Ordinance as **Exhibit A**, and is legally described as follows:

THE EAST 262.00 FEET, AS MEASURED ON THE NORTH LINE OF ALGONQUIN ROAD OF THE SOUTH 125.00 FEET, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF ALGONQUIN ROAD, OF THAT PART OF THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTH LINE OF ALGONQUIN ROAD, IN COOK COUNTY, ILLINOIS.

PIN: 08-24-102-007-0000

Commonly known as 632 W. Algonquin Road, Des Plaines, Illinois.

SECTION 3. CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City

Council hereby grants the Petitioner the Conditional Use Permit to allow the operation of a Food Processing Establishment on the Subject Property. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. CONDITIONS. The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Plans.** The development, use, and maintenance of the Subject Property shall be in strict compliance with the following documents and plans, except for minor changes and site work approved by the Director of the Department in accordance with all applicable City codes, ordinances, and standards, including, without limitation, Sections 12-3-4.H, "Limitations on Conditional Uses," and 12-3-4.I, "Effect of Approval," of the Zoning Ordinance:

1. That certain "Site Plan" for the Kamayan Tayo Restaurant submitted by Winston Sevilla, consisting of one sheet, attached to and, by this reference, made a part of this Ordinance as **Exhibit B ("Site Plan")**; and
2. That certain "Floor Plan" for the Kamayan Tayo Restaurant submitted by Winston Sevilla, consisting of two sheets, attached to and, by this reference, made a part of this Ordinance as **Exhibit C ("Floor Plan")**

B. **Additional Condition.** The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following additional condition: all parking areas shall be surfaced and striped to meet all applicable Building Code hard surface requirements.

SECTION 5. NONCOMPLIANCE.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00)

for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the C-3 District. Further, in the event of such revocation of the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 6. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit D**; and
4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

B. In the event that the Petitioner does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 6.A.3 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

SECTION 7. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ day of _____, 2015.

APPROVED this ____ day of _____, 2015.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form this
____ day of _____, 2015.

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

I, _____, being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, do hereby accept, concur and agree to develop and use the Subject Property in accordance with the terms of this Ordinance.

Dated: _____

(Signature)

DP-Ordinance Approving a Conditional Use Permit (CUP) for a Food Processing Facility at 632 Algonquin Road
#36133073_v2

A. P. SURVEYING COMPANY, PC.
LAND - SURVEYOR

PLAT OF SURVEY
OF

2015 LAND SURVEY
C/O SURVEYOR
NO. 002015
STATE OF ILLINOIS
KANSAS (04) 257001

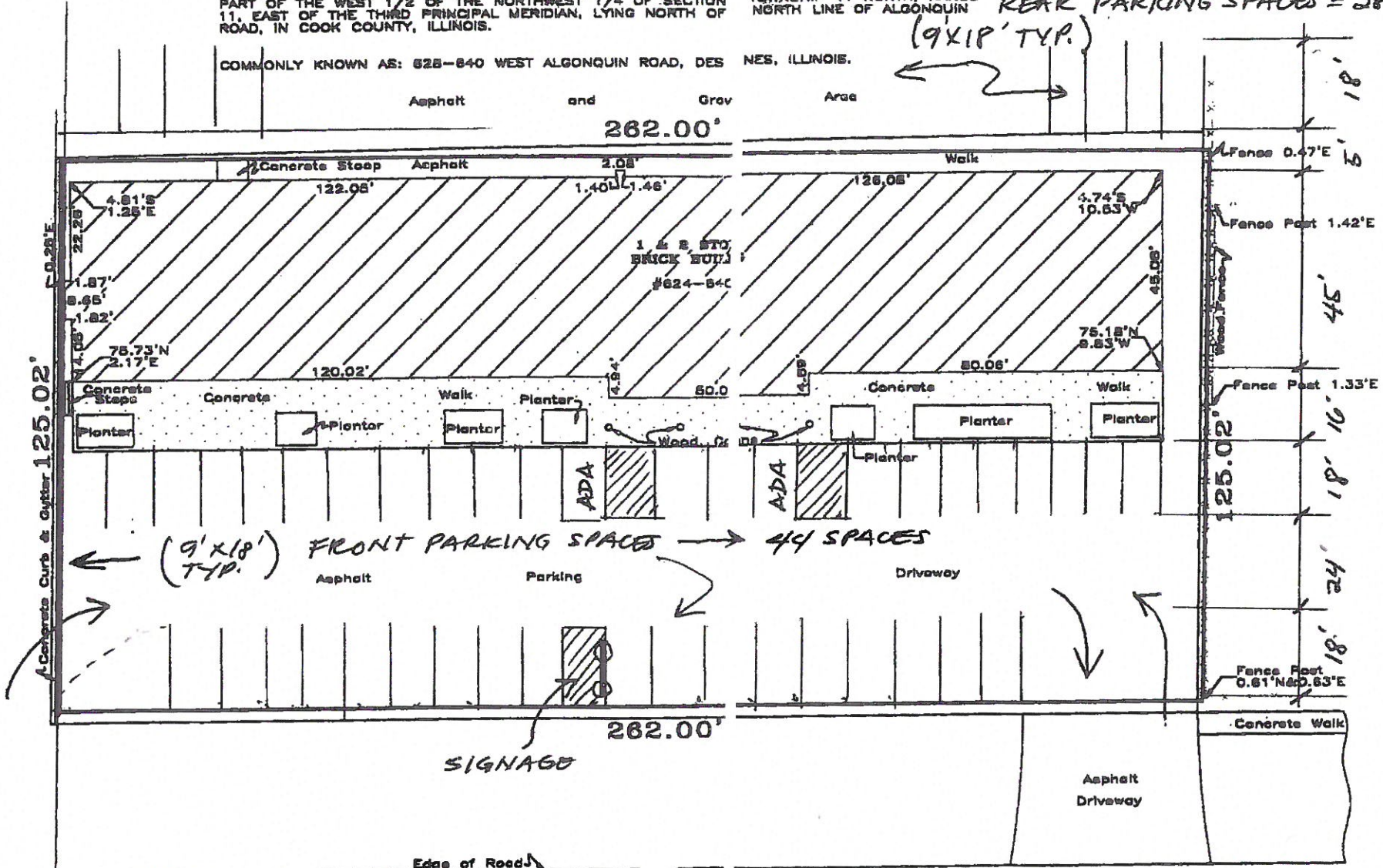


THE EAST 262.00 FEET, AS MEASURED ON THE NORTH LINE OF 125.00 FEET, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF ROAD, IN COOK COUNTY, ILLINOIS.

REAR PARKING SPACES = 28 (9'x19')
(9'x19' TYP.)

COMMONLY KNOWN AS: 628-840 WEST ALGONQUIN ROAD, DES PLAINES, ILLINOIS.

COLONIAL LANE
(33' EASEMENT FOR INGRESS EGRESS AND PARKING)



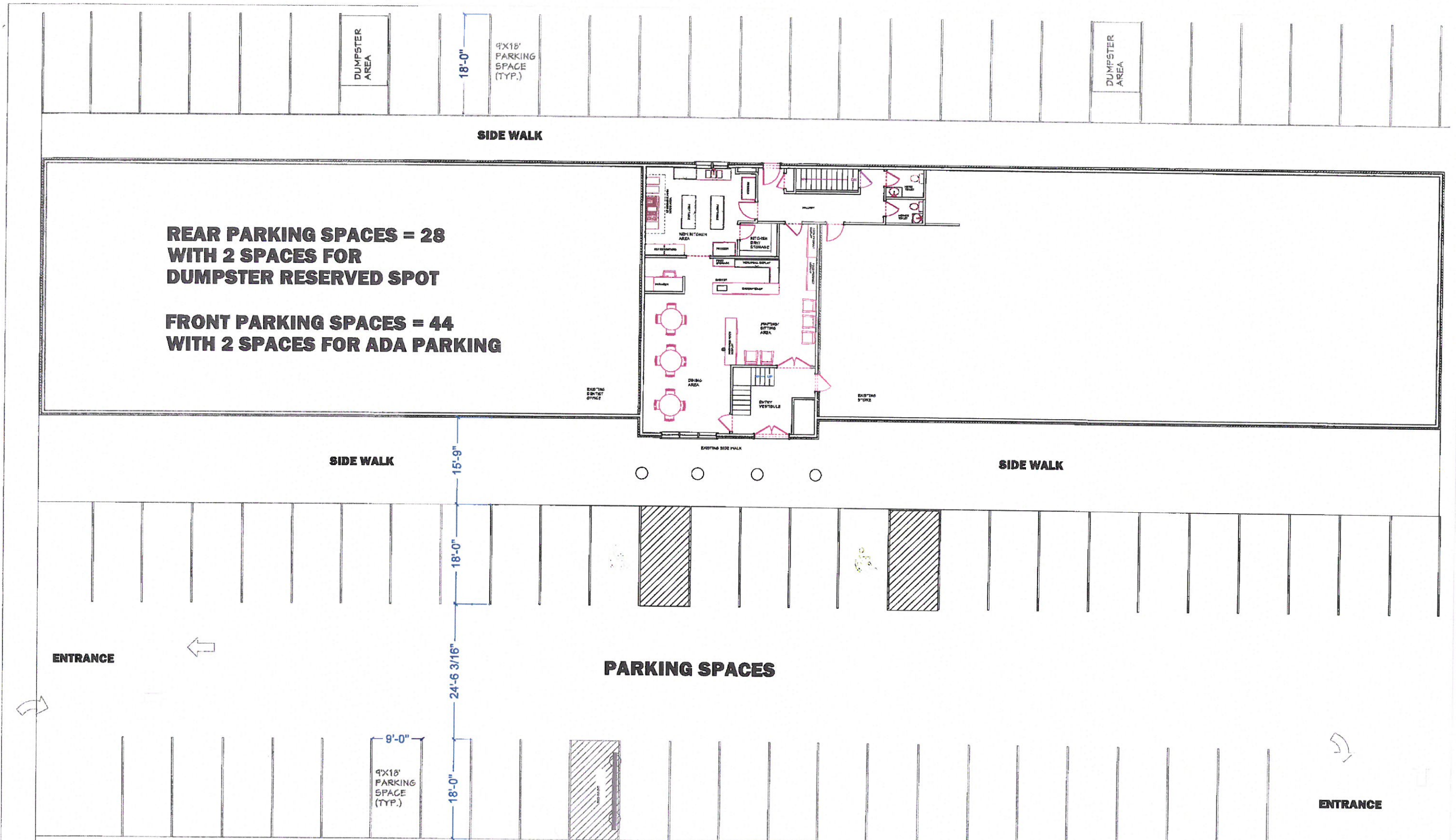
RECEIVED
JUN 05 2015
BUILDING DEPT

W. ALGONQUIN RD.

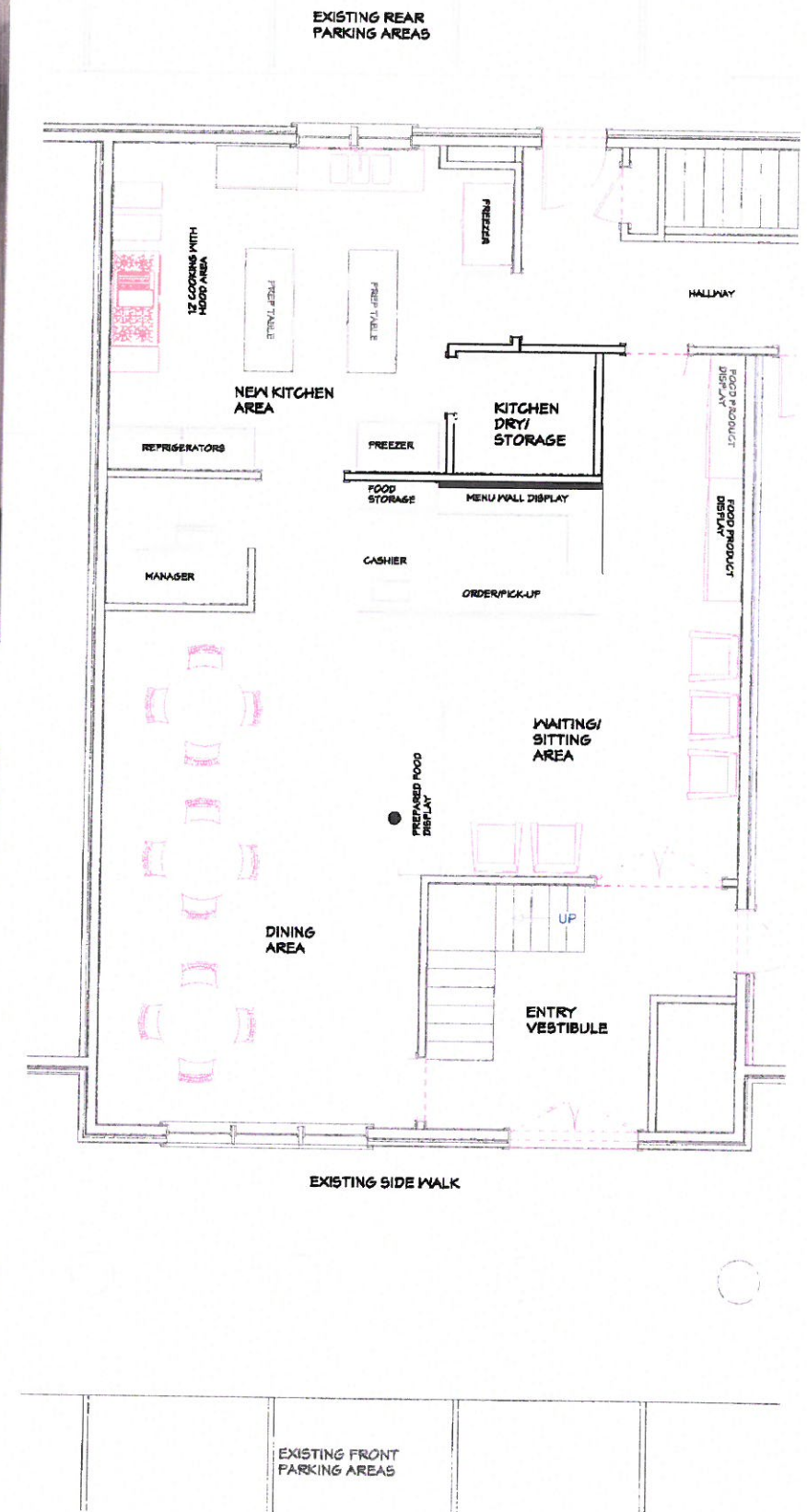
RECORDING INFORMATION
DATE OF RECORDING
RECORDING OFFICE
RECORDING NUMBER
RECORDING FEE
RECORDING AGENT



THE PLAT LINES AND EASEMENTS SHOWN ONLY WERE FOR ALL INFORMATION IN THE MATTER OF THE WILL ALLEGED TO YOUR BROTHER...
COMPARED 2015 RECORDS OF THE BUILDING BY NAME AND ADDRESS...
Date of Issue: 6/5/2015
County of Cook
A. P. SURVEYING COMPANY, PC.



SITE PLAN
 SCALE: 1/16" = 1'-0"
THE "KAMAYAY TAYO" RESTAURANT
 632 W. ALGONQUIN RD UNIT 100-101, DES PLAINES, IL 60016

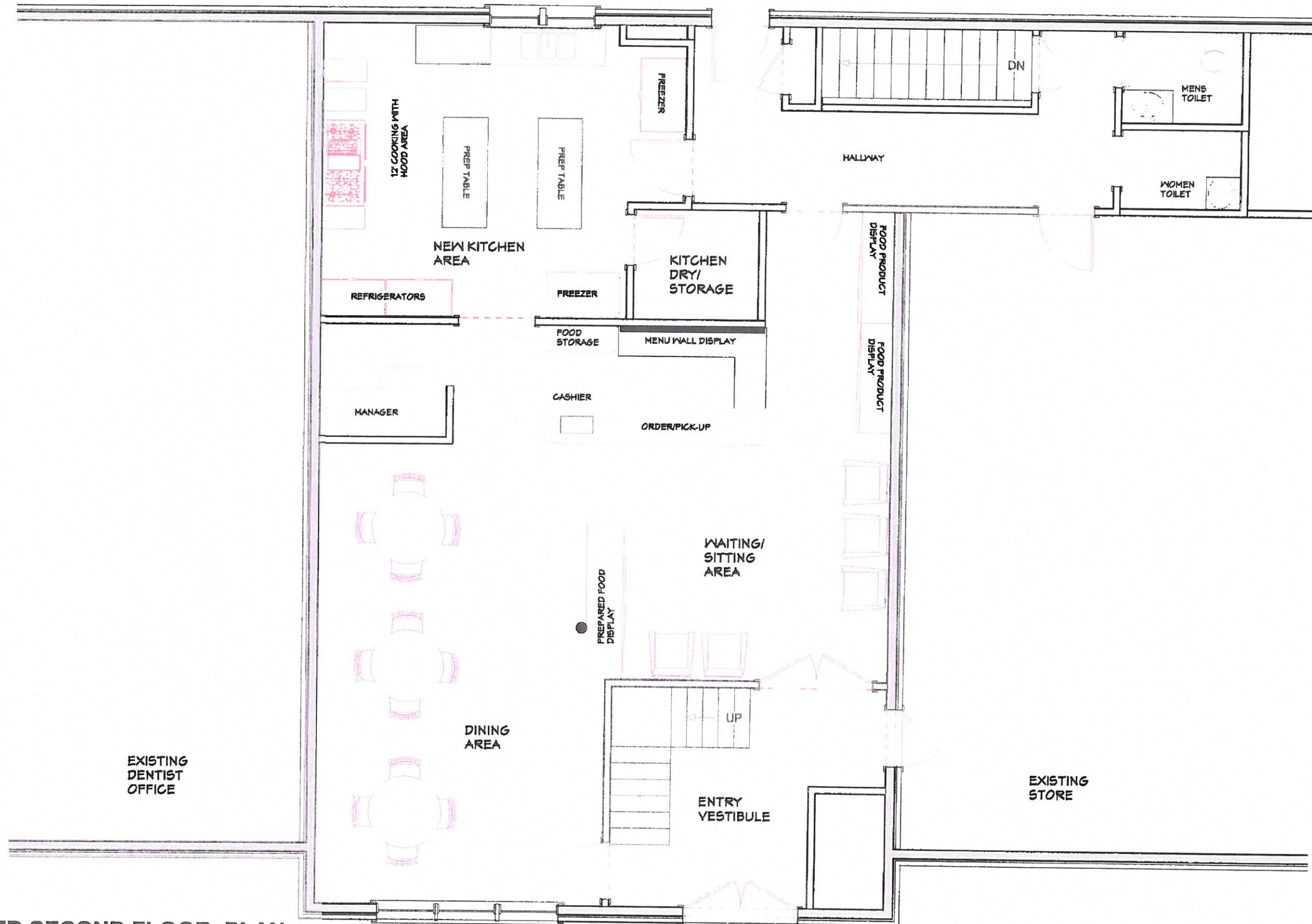


PROPOSED FLOOR PLAN

SCALE: 1/8" = 1'-0"

THE "KAMAYAN TAYO" RESTAURANT

632 W. ALGONQUIN RD UNIT 100-101, DES PLAINES, IL 60016



PROPOSED SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

THE "KAMAYAYN TAYO" RESTAURANT

532 W. ALGONQUIN RD UNIT 100-101, DES PLAINES, IL 60016

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("**City**");

WHEREAS, Winston Sevilla ("**Petitioner**"), applied to the City of Des Plaines for a conditional use permit to allow for the operation of a Food Processing Facility ("**Conditional Use Permit**") on that certain property commonly known as 632 W. Algonquin Road, Des Plaines, Illinois ("**Subject Property**"), pursuant to Section 12-7-3.F.3 of the City of Des Plaines Zoning Ordinance of 1998, as amended; and

WHEREAS, Marek Jaczynski is the owner of the Subject Property ("**Owner**") and consented to the Petitioner's application; and

WHEREAS, Ordinance No. Z-__-15 adopted by the City Council of the City of Des Plaines on _____, 2015 ("**Ordinance**"), grants approval of the Conditional Use Permit, subject to certain conditions; and

WHEREAS, Petitioner and Owner desire to evidence to the City their unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and the Owner's consent to recording the Ordinance against the Subject Property;

NOW, THEREFORE, Petitioner and Owner do hereby agree and covenant as follows:

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-__-15, adopted by the City Council on _____, 2015.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner and Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

4. Petitioner and Owner agree to and do hereby hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner and Owner of their obligations under this Unconditional Agreement and Consent.

5. Petitioner and Owner hereby agree to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

WINSTON SEVILLA

By: _____

ATTEST:

MAREK JACZYNSKI

By: _____

SUBSCRIBED and SWORN to
 before me this _____ day of
 _____, 2015.

 Notary Public