



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 *MM*

Subject: Conditional Use Permit and Variation for a Motor Vehicles Sales operation, 1469 Rand Road, Case #15-033-CU-V

Issue: The petitioner is requesting a Conditional Use permit under Section 12-7-3.F.3 (7.3-6-C) and a major variation to Table 12-7-3-1 (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.

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 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: 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.

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 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.

4. 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.

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: 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.

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: 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.

9. 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.

10. 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: At its June 30, 2015 the Zoning Board of Appeals *recommended* (7-0) that the City Council *approve* the above-mentioned Conditional Use permit and Major Variation for the establishment of a Motor Vehicle Sales operation subject to the following 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 on the property shall be limited to no more than 37, with no more than 30 vehicles for sale in addition to 3 employee parking spaces, and 4 customer parking spaces.

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.

I recommend 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 12-3-4.E (3.4-5 Standards for Conditional Uses) and in Section 12-3-6.G (3.6-7 Major Variations) of the City of Des Plaines Zoning Ordinance, subject to conditions of approval. 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.

Under Section 12-3-4.D (3.4-4) of the Zoning Ordinance (Conditional Uses) and 12-3-6.G (3.6-7 Major Variations) the City Council has the authority to approve, approve subject to conditions, or deny the above-mentioned Conditional Use Permit and Major Variation for the establishment of a Motor Vehicle Sales operation 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 and Variation Applications

Attachment 2: Location Map

Attachment 3: Site and Context Photos

Attachment 4: Plan of Operation

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 and Major Variation to operate a Motor Vehicle Sales establishment at 1469 Rand Road.

Exhibit A: ALTA/ACSM Land Title Survey prepared by Land Surveying Services, Inc, and dated April 9, 2015.

Exhibit B: Site Pan prepared by Linear C Architects, revised by Anthony Bottalla, and submitted June 30, 2015.



CONDITIONAL USE APPLICATION

DO NOT WRITE IN THIS AREA - FOR OFFICE USE ONLY

CASE NUMBER: 15-033-CO-V DATE FILED 5/12/15

Address of Conditional Use: 1469 Rand Road, Des Plaines, IL.

Fee Paid/Receipt Number: 121276 Amount: \$ 605.00 Date: 5/12/15

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

Project Manager: Anthony Butala

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) C-3 as amended, to allow the:

USED MOTOR VEHICLE SALES

on the property described by the attached legal description.

Applicant(s) Name: AVENUE AUTO SALES INC. Signature G Butala Pres.

Telephone: 773 685-8000 Fax: 773 685-8989

Mailing Address: P.O. Box 31489 CHICAGO IL. 60631

Property Owner(s) Name: ANTHONY J. BUTALA TRUST Signature G Butala

Telephone: 773-203-6000 Fax: 773 685-8989

Mailing Address: P.O. Box 31489 CHICAGO IL. 60631

Contact Person: ANTHONY BOTTALLA

Telephone: 773 203-6000 Fax: 773 685-8989 E-Mail: abottalla@gmail.com

Mailing Address: PO. BOX 31489 CHICAGO IL 60631

Address of Property: 1469 RAND RD. Des Plaines, IL. 60016

Property Index Number: 09 - 17 - 205 - 127

(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: PARKING LOT UNDER 50 VEHICLES

Proposed Use of Property: USED MOTOR VEHICLE SALES

Bulk and Scale Evaluation (Please fill out completely):

TRUST INFORMATION

Name(s) of Trust Beneficiary (ies)*

N/A

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.

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

THE CONDITIONAL USE FOR USED MOTOR VEHICLE SALES IS A PERMITTED USE IN THE C-3 ZONING DISTRICT

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

I BELIEVE IT TO BE IN ACCORDANCE WITH THE CITY'S OBJECTIVES SINCE THE EXISTING BUSINESS ~~IS~~ IS AUTO RELATED

- 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)**

THE PROPOSED CONDITIONAL USE WILL BE HARMONIOUS AND APPROPRIATE TO EXISTING VICINITY

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

THE CURRENT USE OF A PARKING LOT DID NOT ~~AND~~ DISTURB OR WAS IT HAZARDOUS TO NEIGHBORS AND PROPOSED USE IS VERY SIMILAR

- 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)**

THE LOCATION IS WELL SERVED BY ALL THE ABOVE

- 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)**

THE PROPOSED CONDITIONAL USE WILL NOT
CREATE ANY PUBLIC EXPENSES

- 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)**

NONE OF THE ABOVE CONDITIONS
WILL BE IMPACTED

- 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)**

THE CURRENT LAYOUT FUNCTIONS VERY
WELL AND WILL NOT INTERFERE WITH
TRAFFIC

- 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)**

NO THE PROPOSED CONDITIONAL USE WILL NOT
EFFECT ANY OF THE ABOVE

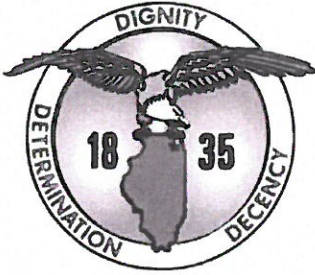
- J. Does the proposed conditional use comply with all additional regulations in this Ordinance specific to the conditional use requested? **(Please explain in detail)**

I BELIEVE IT DOES

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.

G Battaglia PRESIDENT FIN AVENUE AUTO SALES INC. 5/11/15
(Signature of Applicant or Authorized Agent) (Date)

G Battaglia 5/11/15
(Signature of Owner) (Date)



ZONING VARIATION APPLICATION

DO NOT WRITE IN THIS AREA - FOR OFFICE USE ONLY

CASE NUMBER: 15-033-CU-V DATE FILED 5/12/15

TYPE OF VARIATION:

Minor Standard Major Sign License Agreement

License Agreement for: Lawn Sprinkler Mailbox Special Paving

Fee Paid/Receipt Number: 121276 Amount: \$ 605.00 Date: 5/12/15

Legal Notice Publication Date: June 12, 2015, published in the: Journal Topics

Scheduled hearing date: June 30, 2015 at 7:30 P.M. in Room 102, City Hall

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

A Variation to Section(s) _____ of the City of Des Plaines Zoning Ordinance (adopted 1998), is requested in conformity with the powers vested in the Zoning Administrator/Zoning Board of Appeals/City Council, to permit the Variation on the property legally described as: (See legal description on Plat of Survey supplied by applicant) and commonly known as:

1469 RAND RD., Des Plaines, Cook County, Illinois.
(Subject property address)

Variation being requested: MAJOR

Applicant(s) Name: AVENUE AUTO SALES INC. Signature G. Sottalla

Telephone: 773 685-8000 Fax: 773 685-8989

Mailing Address: P.O. Box 31489 CHICAGO IL 60631

Property Owner(s) Name: ANTHONY BOTTALLA Signature G. Sottalla

Telephone: 773 203-6000 Fax: 773 685-8989

Mailing Address: P.O. Box 31489 CHICAGO IL 60631

Is the Contact Person the: Applicant or Owner

Address of Property: 1469 RAND RD. Des Plaines, IL. 60016

Property Tax Number: 09 - 17 - 205 - 127

(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: PARKING LOT UNDER 50 VEHICLES

Proposed Use of Property: USED MOTOR VEHICLE SALES

TRUST INFORMATION

Name(s) of Trust Beneficiary (ies)*

N/A

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.



IF YOU ARE FILING A LICENSE AGREEMENT, PLEASE PROCEED TO PAGE 6.

REASONS FOR VARIATION REQUEST

Before answering the following questions, read the Notice to Applicants below.

Notice to Applicants

A Variation is a zoning adjustment, which permits changes of certain zoning requirements where individual properties are unduly burdened by the strict application of the zoning standards. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome hardship of the property.

A Variation recognizes that the same zoning district requirements do not affect all properties equally; the intention of it is to allow changes to properties where there is a hardship to enjoy equal opportunities with similarly zoned properties. You must prove in making your case that special circumstances or unusual conditions affect your property. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a variation cannot be granted. You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted under the current zoning district. No variation may be granted which would adversely affect surrounding property or the general neighborhood. All variations must be in harmony with the intent and purpose of the Zoning Ordinance.

In order for the Zoning Administrator, staff and Zoning Board of Appeals to understand your reasons for requesting a variation(s) please answer the following questions completely.

1. What would you describe as the hardship(s) that prevent you from being able to carry out the strict letter of the provisions of the Zoning Ordinance? (Explain in Detail)

I AM SHORT SQUARE FOOTAGE OF THE REQUIRED AMOUNT
BUT OWN THE RELEVANT PARCEL NEXT TO EXISTING PROPERTY
AND WOULD HAVE TO EVI CURRENT TENANT AND DEMOLISH EXISTING
BUILDING

2. How do the site conditions prevent the reasonable use of your land under the terms of the Zoning Ordinance? (Explain in Detail)

THERE IS A SHORTAGE OF LAND SQUARE FOOTAGE

3. To the best of your knowledge, can you affirm that the physical condition of your property was not created by an action of anyone having property interests in the land after the Zoning Ordinance of 1998 was adopted, or as the result of other governmental action, or was created by natural forces:

Yes No

If no, please explain in detail:

4. How would the denial of the variation deprive you from rights enjoyed by other persons subject to the same provisions? (Explain in Detail)

MY DENIAL WOULD LEAVE ME WITH A
VACANT PARCEL AND CAUSE FINANCIAL HARDSHIP

5. Is the requested variation the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of the Zoning Ordinance? (Explain in Detail)

YES IT WILL BE IF ALLOWED

6. Will the granting of the variation be in harmony with the neighborhood and the provisions of the Zoning Ordinance from which it is being sought? (Explain in Detail)

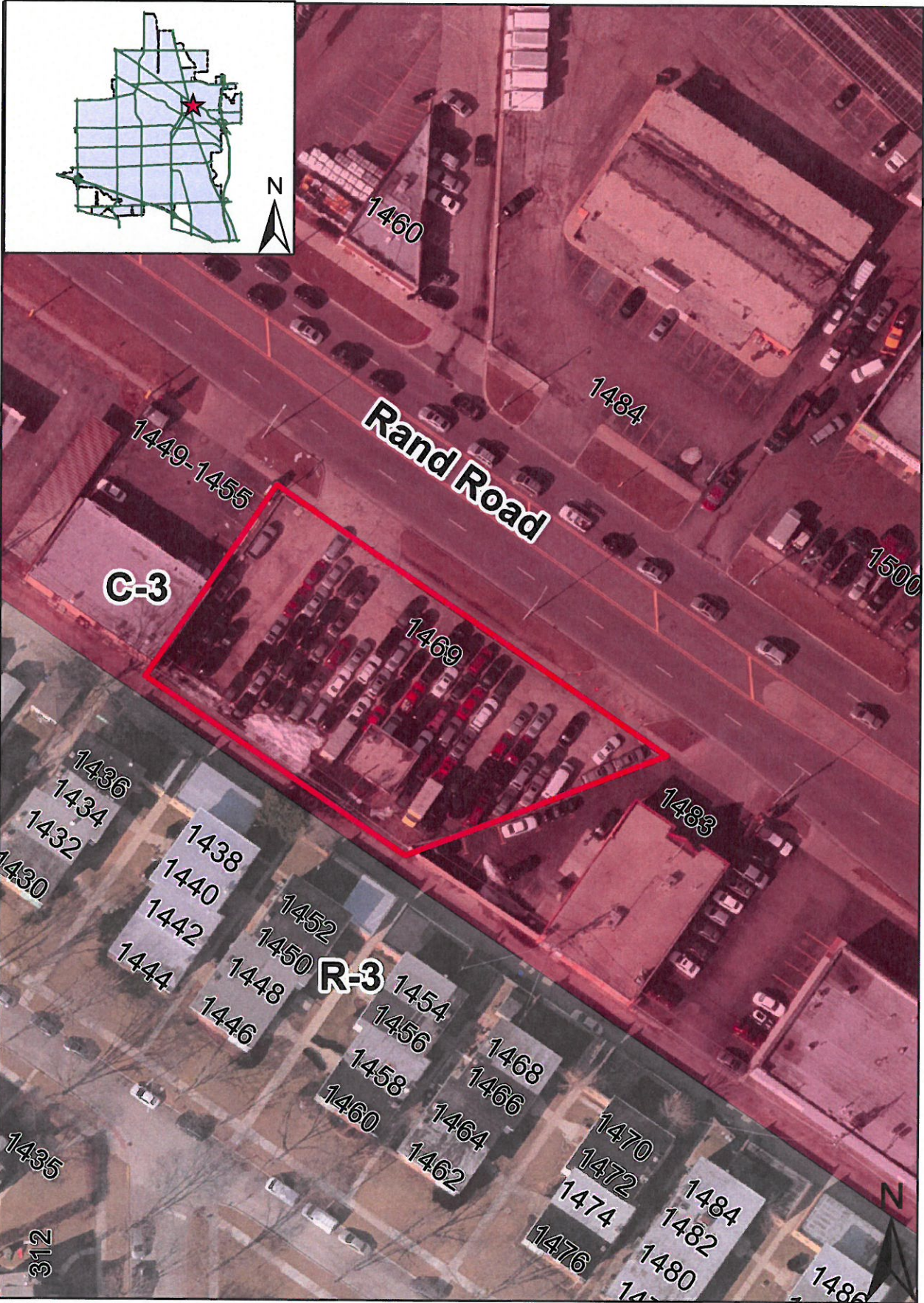
YES I BELIEVE IT WILL BE IN HARMONY WITH THE NEIGHBORHOOD
AND EVIDENCES ANY EXISTING CONDITION CURRENTLY

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, as well as conducting site analysis.

G. Zatta Plus Fil Avenue Auto Sales Inc. 5/12/15
(Signature of Applicant or Authorized Agent) (Date)

G. Zatta 5/12/15
(Signature of Owner) (Date)

Attachment 2, Location Map - 1469 Rand Rd



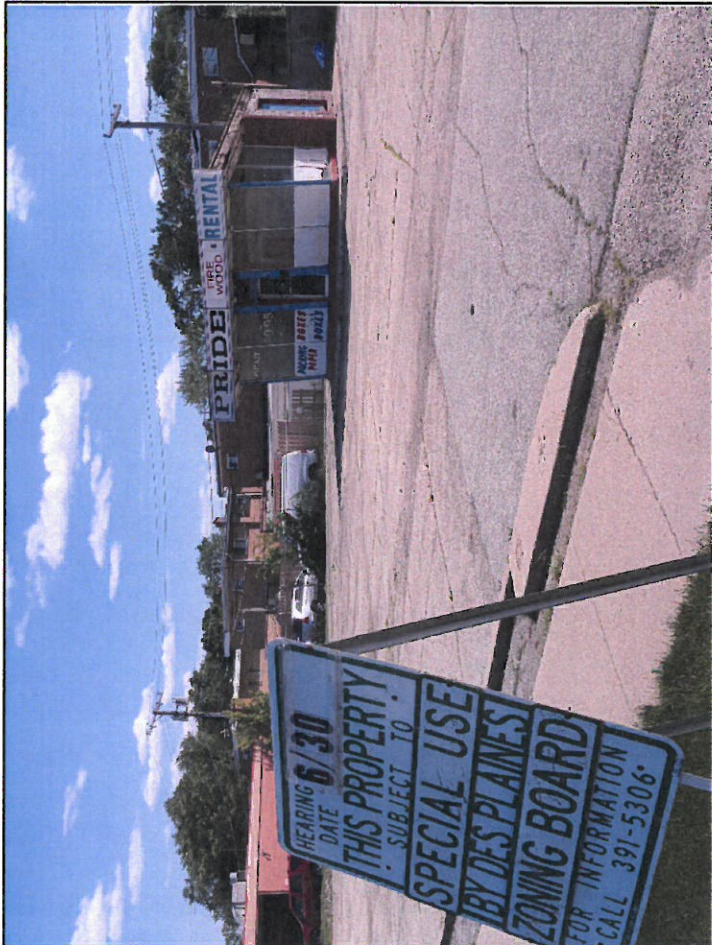
Prepared by Community and Economic Development Department: SM, June 24, 2015



1469 Rand Road



1469 Rand Road



1469 Rand Road



1469 Rand Road

PLAN OF OPERATION

HOURS: MONDAY - FRIDAY 10:00 AM – 7:00 PM

SATURDAY 10:00 AM – 5:00 PM

SUNDAY - CLOSED

WE WOULD EMPLOY AROUND 5 PEOPLE WITH A 3 PERSON SHIFT

2 SALESMAN AND 1 TITLE CLERK

TRAFFIC STUDY

DUE TO THE FACT THAT TRAFFIC FLOW WILL NOT BE ALTERED I AM REQUESTING THAT THE TRAFFIC STUDY REQUIREMENT BE WAIVED



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.

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
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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

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(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.

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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	Kamayayn 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.

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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, 1469 Rand Road, Case # 15-032-CU-V

RE: Request to authorize a Conditional Use Permit and Major Variation for operation of a Motor Vehicle Sales 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. Anthony Bottalla, petitioners, presented the pertinent facts.
2. The Community and Economic Development Department recommended approval of the Conditional Use Permit and Major Variation, 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 and Major Variation for the operation of a Motor Vehicle Sales 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 - 23 - 15

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND MAJOR VARIATION FOR THE OPERATION OF A MOTOR VEHICLE SALES ESTABLISHMENT ON A LOT LESS THAN 25,000 SQUARE FEET IN THE C-3 ZONING DISTRICT AT 1469 RAND ROAD, DES PLAINES, ILLINOIS. (Case #15-033-CU-V).

WHEREAS, Avenue Auto Sales Inc. ("**Petitioner**"), is the lessee of the property commonly known as 1469 Rand 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 has a lot area of approximately 20,625 square feet; and

WHEREAS, the Petitioner desires to operate a motor vehicles sales establishment on the Subject Property; and

WHEREAS, pursuant to Section 12-7-3.F.3 of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"), motor vehicle sales are permitted in the C-3 District only with a conditional use permit; and

WHEREAS, pursuant to Section 12-7-3.F and Table 12-7-3-1 of the Zoning Ordinance, motor vehicle sales establishments must be located on sites of 25,000 square feet or more; and

WHEREAS, the Petitioner submitted applications to the City of Des Plaines Department of Community and Economic Development ("**Department**") for: (i) a conditional use permit to allow motor vehicle sales on the Subject Property ("**Conditional Use Permit**") in accordance with Section 12-7-3.F.3 of the Zoning Ordinance; and (ii) a major variation from Section 12-7-3.F and Table 12-7-3-1 of the Zoning Ordinance to allow a motor vehicle sales establishment on the Subject Property ("**Major Variation**"); and

WHEREAS, the Subject Property is owned by the Anthony J. Bottalla Trust ("**Owner**"), which has consented to the Petitioner's applications; and

WHEREAS, the Petitioner's applications were 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 applications 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 property owners 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 applications, subject to conditions; and

WHEREAS, the Petitioner made certain representations to the Board with respect to the proposed Conditional Use Permit and Major Variation, 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 and Major Variation, subject to certain terms and conditions; and

WHEREAS, the City Council has considered the written report of the Zoning Board of Appeals, together with the applicable standards for conditional use permits and major variations 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 applications 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 "ALTA/ASCM Land Title Survey" prepared by Land Surveying Services, Inc., consisting of one sheet, dated April 9, 2015, attached to, and by this reference made a part of, this Ordinance as **Exhibit A**, and is legally described as follows:

LOTS 15, 16, 17, 18, 19 AND 20, AND THAT PART OF LOTS 21, 22 AND 23 LYING NORTHERLY OF A LINE DRAWN FROM THE SOUTHWESTERLY CORNER OF SAID LOT 21 TO THE NORTHEASTERLY CORNER OF LOT 23 IN BLOCK 8 IN DES PLAINES CENTER, BEING A SUBDIVISION IN SECTION 17, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1927 AS DOCUMENT 9618025 AND FILED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON JUNE 20, 1927 AS DOCUMENT LR359251 IN COOK COUNTY, ILLINOIS.

PIN: 09-17-205-127-0000

Commonly known as 1469 Rand Road, Des Plaines, Illinois

SECTION 3. CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 5 of this Ordinance, the City Council hereby grants the Petitioner the Conditional Use Permit to allow motor vehicle sales 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. MAJOR VARIATION. The City Council finds that the Major Variation satisfies the standards set forth in Section 12-3-6.H of the Zoning Ordinance and, pursuant to the City's home rule powers, finds that the Major Variation is otherwise necessary and appropriate. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 5 of this Ordinance, the City Council hereby grants the Major Variation for the Subject Property to the Petitioner. The Major Variation shall be valid for not more than 12 months prior to the issuance of a building permit and the commencement of construction in accordance with the terms and conditions of this Ordinance. The Zoning Administrator may extend the Major Variation if the Petitioner requests an extension in accordance with Section 12-3-6.L of the Zoning Ordinance.

SECTION 5. CONDITIONS. The Conditional Use Permit granted in Section 3 and the Major Variation granted in Section 4 of this Ordinance shall be, and are hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. Submission of Final Plans. The Conditional Use Permit and the Major Variation will not be effective unless and until the Petitioner submits, and the City approves, the following plans in accordance with the following provisions:

1. The Petitioner must submit to the City, and the Director of the Department must approve, a landscape plan ("**Landscape Plan**") that depicts: (a) a landscaped area located along the north property line of the Subject Property, adjacent to Rand Road, that is at least seven feet wide, consists of shrubs or a continuous hedge (measuring a minimum of 18 inches in height at planting and not to exceed four feet in height at maturity), groundcover, and not less than three shade trees; (b) a three- to four-foot high wrought-iron style fence located along the entire length of the northern property line of the Subject Property, adjacent to Rand Road, and two feet from the edge of the parking lot; and (c) a six-foot wood privacy fence along the entire length of the south property line of the Subject Property, adjacent to the public alley. Upon approval of the Landscape Plan by the Director of the Department, the Landscape Plan will be incorporated into, and made a part of, this Ordinance without further action by the City Council.
2. The Petitioner must submit to the City, and the Director of the Department of Public Works and Engineering must approve, amendments to the "Site Plan," prepared by Linear C Architects, consisting of one sheet, and submitted June 30, 2015, attached to, and by this reference made a part of, this Ordinance as **Exhibit B ("Site Plan")**, so that the amended Site Plan: (a) does not depict the existing eastern curb cut on, and existing eastern driveway providing access to, Rand Road; (b) depicts the existing western curb cut on Rand Road as perpendicular to Rand Road; and (c) depicts the existing western driveway providing access to Rand Road as not more than 36 feet in width to allow for one ingress and two egress lanes. Upon approval of the amended Site Plan by the Director of Public Works and Engineering, the amended Site Plan will be incorporated into, and made a part of, this Ordinance without further action by the City Council.
3. The Petitioner must submit to the City, and the Director of the Department must approve, a photometric plan ("**Photometric Plan**") that depicts the maximum number of horizontal foot-candles on residential properties adjacent to the south property line of the Subject Property as not more than 0.2 foot-candles. Upon approval of the Photometric Plan by the Director of the Department, the Photometric Plan will be incorporated into, and made a part of, this Ordinance without further action by the City Council.

B. Compliance with Plans and Codes. 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. The Landscape Plan submitted by the Petitioner and approved by the City in accordance with Section 5.A.1 of this Ordinance;
2. The Site Plan amended by the Petitioner and approved by the City in accordance with Section 5.A.2 of this Ordinance; and
3. The Photometric Plan submitted by the Petitioner and approved by the City in accordance with Section 5.A.3 of this Ordinance.

C. Additional Conditions. The development, use, and maintenance of the Subject Property shall be subject to and contingent upon the following additional conditions:

1. Prior to occupancy, the Petitioner shall complete the site improvements depicted on the amended Site Plan and Landscape Plan.
2. The Petitioner may not offer for sale on the Subject Property more than 30 vehicles at any single time.
3. The Petitioner must provide on the Subject Property at least three parking spaces for employees and at least four parking spaces for customers.
4. 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.
5. All parking areas shall be surfaced and striped to meet all applicable Building Code hard surface requirements.

SECTION 6. 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 5 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance and the Major Variation granted in Section 4 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 General Commercial District. Further, in the event of such revocation of the Conditional Use Permit and Major Variation, 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 7. 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 C**; 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 7.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 8. 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: _____

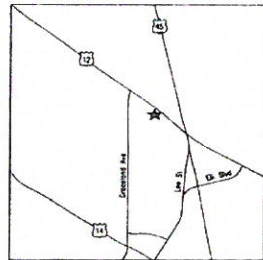
(Signature)

DP-Ordinance Approving a Conditional Use Permit (CUP) & Major Variation for Motor Vehicle Sales at 1469 Rand Road

#36120302_v2



Scale: 1" = 20'

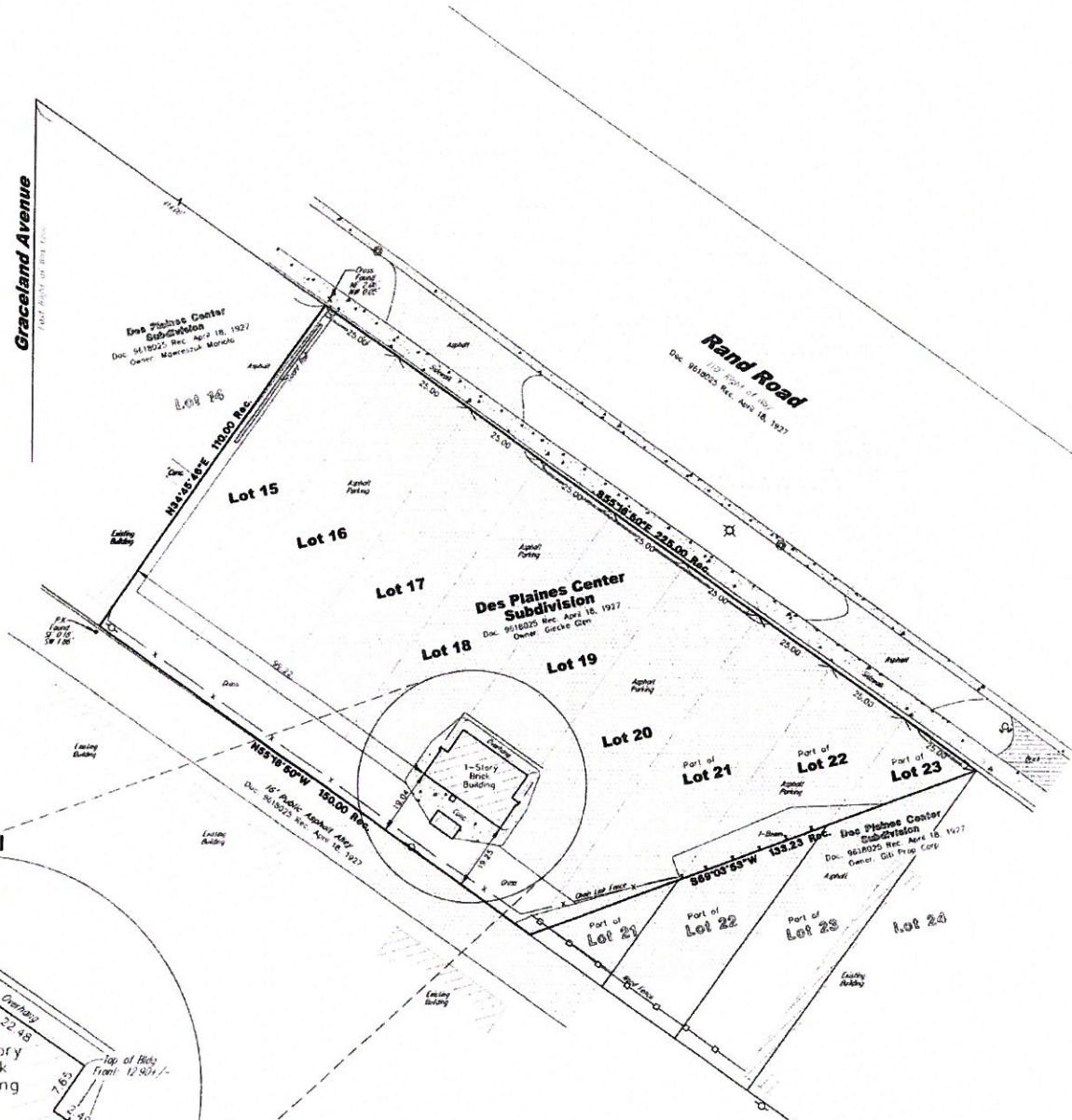


Location Map

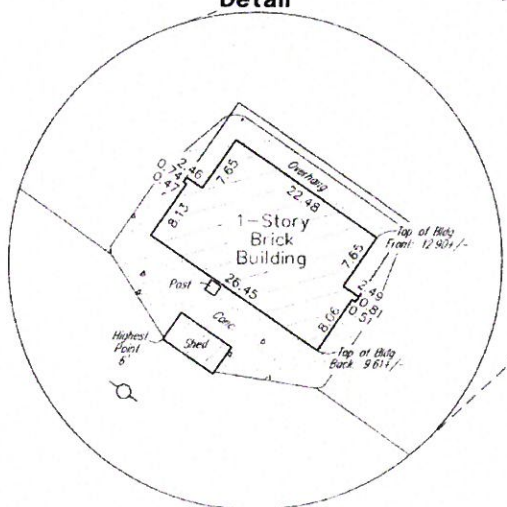
ALTA/ACSM Land Title Survey

LOTS 15, 16, 17, 18, 19 AND 20, AND THAT PART OF LOTS 21, 22 AND 23 LYING NORTHERLY OF A LINE DRAWN FROM THE SOUTHWESTERLY CORNER OF SAID LOT 21 TO THE NORTHEASTERLY CORNER OF LOT 22 IN BLOCK 8 IN DES PLAINES CENTER, BEING A SUBDIVISION IN SECTION 17, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 18, 1927 AS DOCUMENT BEING AND FILED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON JUNE 20, 1927 AS DOCUMENT 1035251 IN COOK COUNTY, ILLINOIS.

RECEIVED
MAY 12 2015
BUILDING DEPT.



Detail



SURVEYOR NOTES

1. FIELD WORK COMPLETED ON 03/20/15
2. SITE ADDRESS: 1469 RAND ROAD, DES PLAINES, IL
3. PROPERTY AREA: 47 ACRES (20,825.00 SQUARE FEET)
4. PIN NUMBER 09-17-205-127
5. ZONE CLASS C-3 (GENERAL COMMERCIAL)
6. AUTO CAD FILES WILL NOT BE RELEASED UNDER THIS CONTRACT.
7. THE PROPERTY HEREON APPEARS TO BE IN ZONE "AE", AN AREA OUTSIDE THE 500 YEAR FLOOD PLAIN FLOOD INSURANCE RATE MAP, PANEL NUMBER 170103211, DATED AUGUST 19, 2006. SUCH REVIEW MAY BE SUBJECT TO POSSIBLE SCALING INTERPRETATION AND MAP REPRODUCTION ERRORS.
8. UNDERGROUND SEWER AND UTILITY INFORMATION AS SHOWN IS OBTAINED FROM THE RECORDS OF MUNICIPALITY AND LOCAL UTILITY COMPANIES. THE ACCURACY OF WHICH CAN NOT BE GUARANTEED OR CERTIFIED TO.
9. THE LOCATIONS OF EXISTING UTILITY INSTALLATIONS AS SHOWN ON THE PLANS ARE APPROXIMATE. THERE MAY BE OTHER UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
10. THERE ARE NO PARKING STRIPS LOCATED ON THIS PROPERTY.
11. THERE ARE NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
12. THERE ARE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINE. IF INFORMATION IS AVAILABLE FROM CONTROLLING JURISDICTIONS, OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
13. THIS PLAT WAS PREPARED WITH THE AID OF CHICAGO TITLE INSURANCE COMPANY TITLE FILE NUMBER 262978 EFFECTIVE DATE MARCH 4, 2015.
14. DUE TO SNOW AND PARKED CARS, COULD NOT DETERMINE ANY MANHOLES ARE LOCATED ON-SITE.

STATE OF ILLINOIS)
COUNTY OF COOK) 155

TO: FIRST AMERICAN TITLE INSURANCE COMPANY
TD: ANTHONY J. BOTTALIA, TRUSTEE OF THE ANTHONY J. BOTTALIA TRUST DATED JULY 7, 1999
TD: FIRST NATIONAL BANK

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 6A, 7A, 7C, 8, 9, 10, 11A, 11B, 13, 14, 15, 16, AND 17 FROM TABLE A THEREOF PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ILLINOIS, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

GIVEN UNDER MY HAND AND SEAL THIS 09TH DAY OF APRIL, A.D. 2015
AT PALM BEACH, ILLINOIS

Gloria Jean Kotter
ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3203



ADOPTED BY THE AMERICAN LAND TITLE ASSOCIATION ON FEBRUARY 23, 2011 ADOPTED BY THE BOARD OF DIRECTORS, AMERICAN CONGRESS ON SURVEYING AND MAPPING ON FEBRUARY 23, 2011, ADOPTED BY THE BOARD OF DIRECTORS, NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS ON FEBRUARY 23, 2011. THIS SURVEY WAS PREPARED FOR TITLE PURPOSES ONLY.

DATE: 03-20-15	CONCEDED
DRAWN BY: [Blank]	CHK: [Blank]
REVISION: [Blank]	CHK: [Blank]
NO	CHK: [Blank]

Land Surveying Services, Inc.
 574 W. Calver Street
 Palmdale, Illinois 60057
 Ph: (815) 991-7700 Fax: (815) 991-7707
 Professional Design Firm License No. 184-00332

Field Work Completed: 03-20-15
 Scale: 1" = 20'
 Site Address: 1469 Rand Road
 Des Plaines, Illinois

Job Number: LS150134
 Sheet Name: ALTA/ACSM
 Sheet Number: ALTA/ACSM

Graceland Avenue
East Right of Way Line

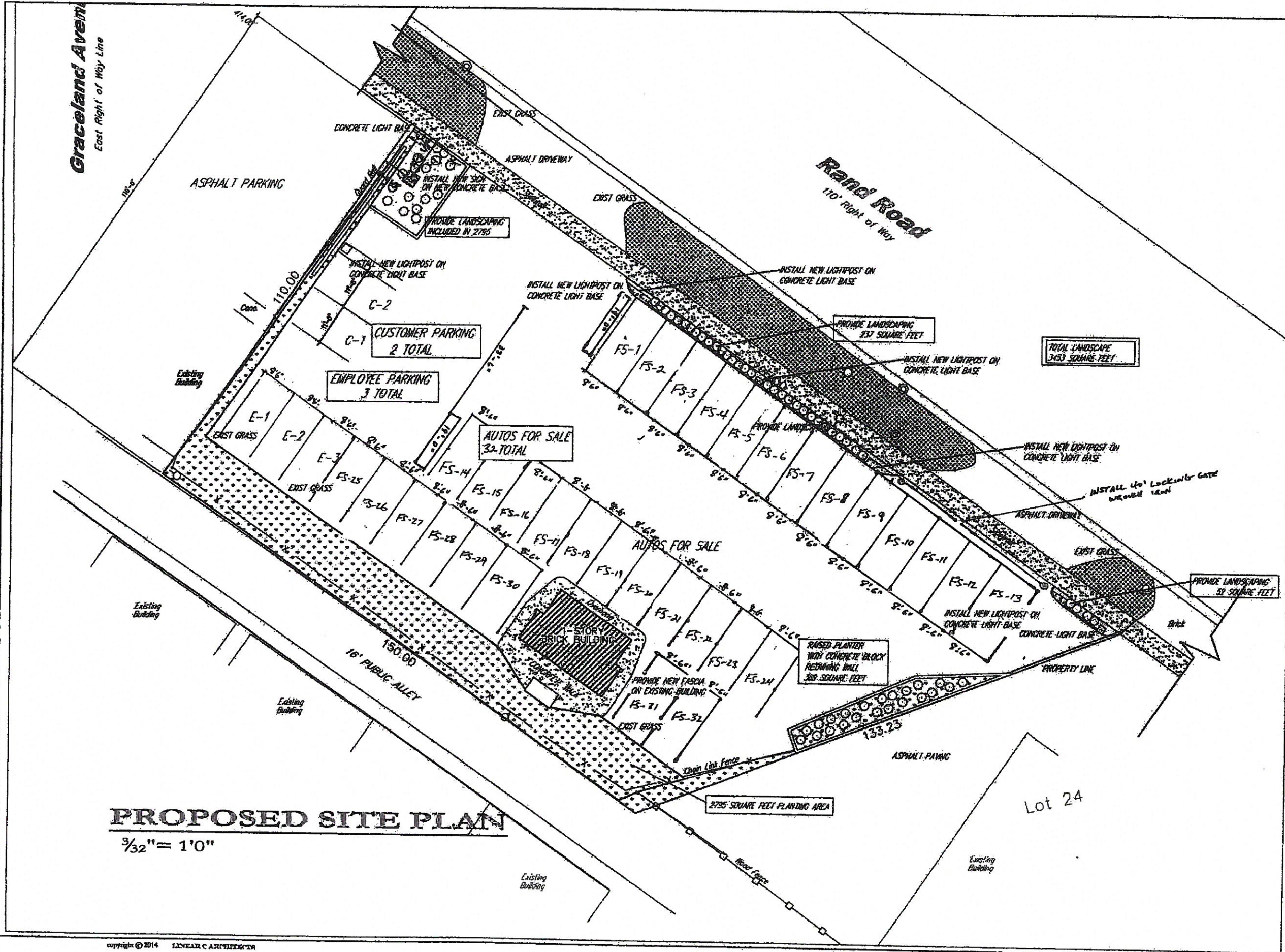
ASPHALT PARKING

Rand Road
110' Right of Way

PROPOSED SITE PLAN

$\frac{3}{32}'' = 1'0''$

copyright © 2014 LINEAR C ARCHITECTS



IT IS THE POLICY OF THIS OFFICE TO REVIEW ALL PLANS SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS TO ENSURE THAT THEY COMPLY WITH ALL APPLICABLE ORDINANCES AND REGULATIONS. THE DEPARTMENT OF PUBLIC WORKS IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE SUBMITTER. THE SUBMITTER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEPARTMENT OF PUBLIC WORKS SHALL NOT BE HELD LIABLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF ANY INFORMATION PROVIDED BY THIS OFFICE. ALL PLANS SHALL BE PREPARED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) STANDARDS AND THE ILLINOIS CONSTRUCTION CODE. THE DEPARTMENT OF PUBLIC WORKS SHALL NOT BE HELD LIABLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF ANY INFORMATION PROVIDED BY THIS OFFICE.

RAND ROAD VINTAGE AUTO
1469 RAND ROAD
DES PLAINES ILLINOIS

LINEAR C ARCHITECTS
1469 RAND ROAD
DES PLAINES, ILLINOIS 60018
708.296.1000 | WWW.LINEARCARCHITECTS.COM

NO.	DATE	REVISIONS
1	11/10/14	ISSUED FOR PRELIM REVIEW
2		
3		
4		
5		
6		
7		
8		
9		
10		

C2

ISSUED FOR PRELIM REVIEW

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Avenue Auto Sales, Inc. ("**Petitioner**") applied to the City of Des Plaines for: (i) a conditional use permit ("**Conditional Use Permit**") pursuant to Section 12-7-3.F.3 of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"), and (ii) a major variation to Section 12-7-3.F.3 and Table 12-7-3-1 of the Zoning Ordinance ("**Major Variation**") to allow a motor vehicle sales establishment on that certain property commonly known as 1469 Rand Road, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, the Subject Property is owned by the Anthony J. Botalla Trust ("**Owner**"); 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 and the Major Variation, 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 the Ordinance, and the Owner desires to evidence its consent to recording the Ordinance against the Subject Property upon obtaining fee simple title thereto;

NOW, THEREFORE, Petitioner does hereby agree and covenant as follows:

1. Petitioner and Owner shall, and do 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 or 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 shall, and do 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:

AVENUE AUTO SALES, INC.

By: _____

By: _____

ATTEST:

ANTHONY J. BOTALLA TRUST

By: _____

By: _____

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

 Notary Public