

**AN ORDINANCE AMENDING THE MEADOWS
CROSSING PLANNED DEVELOPMENT BY GRANTING SPECIAL USES FOR
OUTDOOR SEATING AND GRANTING VARIANCES FOR OUTDOOR SEATING
AND PARKING**

WHEREAS, Bradford Real Estate Company, "Petitioner," has requested that the City approve a proposed amendment to the Meadows Crossing Planned Development to allow two (2) restaurants to be located in Building 3 with a Special Use for outdoor seating and variances for the location of the outdoor seating and from the parking regulations; and

WHEREAS, after publication of notice thereof, as provided by law, the Plan Commission has conducted a public hearing on September 7, 2010 at 7:30 p.m. at City Hall, 3600 Kirchoff Road, Rolling Meadows, Illinois, to consider the proposal to amend said Planned Unit Development; and

WHEREAS, the Plan Commission has made its recommendation to the City Council recommending approval of the amendment to the Planned Unit Development to permit granting changes in use, a Special Use for two outdoor seating areas, a variance from the distance of the seating area from the drive aisle and variance from the City's parking requirement; and

WHEREAS, the City Council has reviewed the minutes and recommendations of the Plan Commission; and

WHEREAS, the City Council finds that the evidence is such as to establish the following beyond reasonable doubt:

That the proposed use at the particular location required is necessary or desirable to provide a service of a facility which is in the interest of public convenience and will constitute to the general welfare of the neighborhood or the community; and

That such use will not under the circumstances of the particular case, be detrimental to the health, safety, morals or general welfare of persons residing or working in the vicinity, or

injurious to property values or improvements in the vicinity; and

The proposed use will comply with the regulations and the conditions specified in this chapter for such use and with the stipulations and conditions made a part of the authorization granted by the city council and;

Whereas, the City Council has determined that the variance from the parking requirements and a variance from the distance between the outdoor seating area and the drive aisle set forth in the Comprehensive Zoning Code (“Code”) , as requested by the Petitioner will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois, as follows:

SECTION ONE: The Meadows Crossing Planned Development is hereby amended to allow two (2) special uses for outdoor seating for the properties commonly known as 1323 and 1327 Golf Road, Rolling Meadows, Illinois.

SECTION TWO: The Meadows Crossing Planned Development is hereby granted a variance from the provisions contained in Section 122-27(d)(12) of the Code to permit outdoor seating which directly abuts the drive aisle rather than being located no less than five (5) feet from the drive aisle for vehicular traffic as provided in the Code.

SECTION THREE: The Meadows Crossing Planned Development is granted a variance from the required number of parking spaces of 269 to allow 228 parking spaces with 200 on-site parking spaces and 28 parking spaces with the Chase Bank parking easement.

SECTION FOUR: The Planned Unit Development amendment for the special uses and parking are subject to the following conditions:

1. The change of use of Building 3 to include two restaurants is conditioned upon the covenant for a parking easement with the Chase Bank property commonly known as 1155 Golf Road, Rolling Meadows, Illinois remaining in effect.
2. The following recommendations specifically found on pages 8 and 9 and Figure 3 (Exhibit 1, a copy of which is attached hereto) of the Parking and Traffic Evaluation study conducted for the petitioner by KLOA dated August 12, 2010, shall be implemented.
 - a. Stripe the area in front of Arby's restaurant located at 1331 Golf Road, Rolling Meadows, Illinois ("Arby's") (north side) to better guide entering vehicles from the west along the drive aisle in front of the stores.
 - b. Provide and maintain striping delineation between the existing Arby's and Building 3.
 - c. Install 42" vertical traffic delineator posts specifically for the Arby's drive-thru.
 - d. A pedestrian crossing sign adjacent to the two proposed restaurant storefronts (Building 3) facing eastbound traffic shall be provided.
 - e. At the internal intersection by the gas station, in order to reduce the confusion and following the existing driver behavior, the inbound traffic from Golf Road should be under stop sign control, therefore, converting this internal intersection to an all-way stop control intersection.
 - f. As vehicles approach the stores east of the Meijer gas station, there are a stop sign and pedestrian crossing sign on the left side of the drive facing westbound. These two signs shall be removed and relocated to the right side adjacent to the Men's Warehouse store at 1219 Golf Road, Rolling Meadows, Illinois.
 - g. All of the striping in the center (crosswalks, parking stalls, stop bars, etc.) shall be restriped.
 - h. The parking spaces on the east side of Row 3 shall be reconfigured and striped for perpendicular parking with a stall length of 19 feet, a 24 foot wide aisle width and 17 feet long parking stall on Row 4 with a 2 foot overhand which would result in 5 additional spaces to the Area 1.
 - I. A sidewalk is pursued with Meijer along the gas station frontage. When installed, a crosswalk with signage should be installed across the drive aisle on the east leg of the internal intersection.
3. Petitioner shall make a good faith effort to obtain a parking easement from Meijer to provide additional parking.

4. The fencing around the outdoor seating areas is constructed in such a manner as to match or be similar to that which currently exists at the Gino's East and Chipolte Restaurants and protect and separate, to the extent possible, outdoor seated customers from vehicular traffic.
5. All the parking lot and on-site circulation issues as noted above are implemented and completed prior to the Certificate of Occupancy being issued for the first restaurant.
6. The landscaping shall be fully implemented and maintained as proposed in the landscape plan P2 dated July 5, 2002, as prepared by Heartland Architects, Inc. (Exhibit 2, a copy of which is attached hereto).
7. No final Certificate of Occupancy for either proposed restaurant is to be issued until all landscaping is completed.
8. The outdoor seating areas are to meet the outdoor seating operation regulations.
9. The gross leasable area (GLA) for sit-down restaurants in the Meadows Crossing Shopping Center shall not exceed 77.7%.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

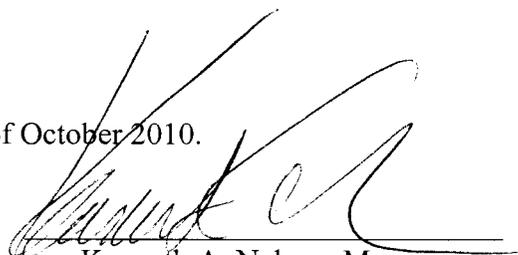
SECTION SIX: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadows, Illinois.

YEAS: Lusk, Buske, Judd, Adams, D'Astice, Larsen

NAYS: 0

ABSENT: Pitzafarro

Passed and approved this 12th day of October 2010.



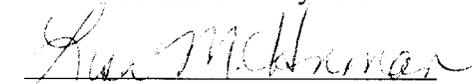
Kenneth A. Nelson, Mayor

ATTEST:



Lisa M. Hinman, City Clerk

Published this 13th day of October 2010



Lisa M. Hinman, City Clerk