

**AN ORDINANCE AMENDING A SPECIAL USE AND GRANTING A VARIANCE  
(1300 Hicks Road)**

**WHEREAS**, the City adopted Ordinance No. 06-24 granting a Special Use for a drive-through restaurant for the property at 1300 Hicks Road; and

**WHEREAS**, Warren Johnson Architects ("Petitioner") has requested an Amendment to the Special Use to allow a Dunkin Donuts Restaurant; and

**WHEREAS**, on September 6, 2011, the Plan Commission conducted a public hearing for the purpose of considering amending a Special Use to allow a drive-through restaurant and grant a variance from the rear yard setback for the area commonly known as 1300 Hicks Road, Rolling Meadows, Illinois; and

**WHEREAS**, the Plan Commission conducted a public hearing on the Special Use and variance from the rear yard setback as required by Sec. 122-227(c) of the City's Zoning Code after notice of public hearing as required by law; and

**WHEREAS**, the Plan Commission has submitted its report and recommendation to grant the Special Use and Variances to the Mayor and City Council of the City of Rolling Meadows, which report has been considered by the Mayor and City Council; and

**WHEREAS**, the City Council having received the minutes, recommendation and findings of fact of the Plan Commission; and

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

That the proposed use at the particular location required is necessary or desirable to provide a service or 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

That the proposed use will comply with the regulations and the conditions specified in the City's Comprehensive Zoning Code 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 special circumstances exist, in this instance, based upon the location of the property, and that the variations from the setback requirements will not cause any injury to the value of other property in the vicinity nor will the variances to be the set back required by Section 122-227 (c) of the Zoning Code be detrimental to the public health, safety or welfare in the neighborhood.

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

SECTION ONE: Petitioner is hereby granted an Amendment to the Special Use pursuant to Section 122-221(c) (1) of the Comprehensive Zoning Code to allow a drive-through restaurant business subject to the following conditions:

- A. No signage be allowed on the awnings.
- B. The new masonry trash enclosure be moved to the northeast corner of the site and to be located approximately 5 feet from the rear yard property line with bollards possibly along the north and south of the enclosure. The site is to be developed in accordance with the site plan, SP-1, submitted by Warren Johnson Architects, Inc. dated September 12, 2011.
- C. The landscaping of the site be in general conformance with the landscape plan submitted as part of the original Special Use Permit prepared by RTH Associates in 2006. The landscaping that has not or cannot be instituted (along Hicks where there are currently parking spaces and the northeast corner) shall be transferred to other locations on the site. The landscaping is to be accomplished as soon as possible and within one year time from City Council approval with no permanent certificate of occupancy for the Dunkin' Donuts being issued until the landscaping is completed.

- D. The building's appearance is to substantially conform to the elevation plan as prepared by Warren Johnson Architects.
- E. Cautionary signage, such as "Caution Cross Traffic" and a car traffic stop sign shall be installed at the northwest corner of the building per the original Special Use approval. Pavement striping may be recommended as well.

SECTION TWO: The City Council hereby grants a variance from Section 122-227(c) of the Comprehensive Zoning Code to allow an encroachment of the 25 foot rear yard setback.

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

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

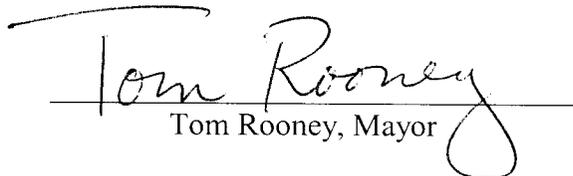
YEAS: Cannon, Allen, Buske, Judd, Banger, D'Astice, Larsen

NAYES: 0

ABSENT: 0

Passed this 11<sup>th</sup> day of October 2011.

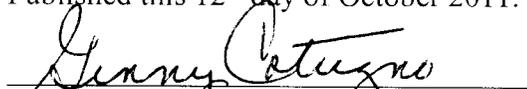
Approved this 11<sup>th</sup> day of October 2011.

  
Tom Rooney, Mayor

ATTEST:

  
Ginny Cotugno, Deputy City Clerk

Published this 12<sup>th</sup> day of October 2011.

  
Ginny Cotugno, Deputy City Clerk