

**AN ORDINANCE AMENDING A SPECIAL USE AND VARIANCE
(Red Apple Pancake Restaurant, 2121 Plum Grove Road)**

WHEREAS, on July 7, 2009, the Plan Commission conducted a public hearing for the purpose of considering amending a Special Use and Variance to enlarge the outdoor seating area for the property commonly known as 2121 Plum Grove Road, Rolling Meadows, Illinois; and

WHEREAS, the Plan Commission conducted a public hearing on the Amendment to the Special Use and Variance from the 15 foot front yard setback as required by Sec. 122-187(e) of the City's Zoning Code to allow a 5' 2" encroachment into the front yard setback after notice of public hearing as required by law; and

WHEREAS, the Plan Commission has submitted its report and recommendation to grant the Amendment to the Special Use and Variance 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 size of the outdoor seating area, the location of the seating area, and that the outdoor seating area will not cause any injury to the value of other property in the vicinity nor will the variance to be the 15 foot front yard set back required by Section 122-27(c)(1) of the Zoning Code be detrimental to the public safety or welfare in the neighborhood.

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

SECTION ONE: Red Apple Pancake Restaurant, 2121 Plum Grove Road, Rolling Meadows, Illinois is hereby granted an amendment to a Special Use and Variation pursuant to Section 122-27(c)(1) and Section 122-187 (e) of the Comprehensive Zoning Code to allow outdoor seating subject to the following conditions:

- A. The perimeter shall be protected with the proposed steel bollards and brick half-wall with steel reinforcement per sheet SK-4 dated 5/6/09;
- B. Exiting from the outdoor area shall be through the building only, and latching gates for emergency access only shall be installed; and
- C. The perimeter of the area shall be landscaped per the proposal submitted. The development shall be in substantial conformance with sheets SK-1 through 4 as prepared by Dean Botes Architects, Inc. dated 5/6/09.

SECTION TWO: The City Council hereby grants a variance to allow an 5' 2" encroachment of the seating area into the front 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.

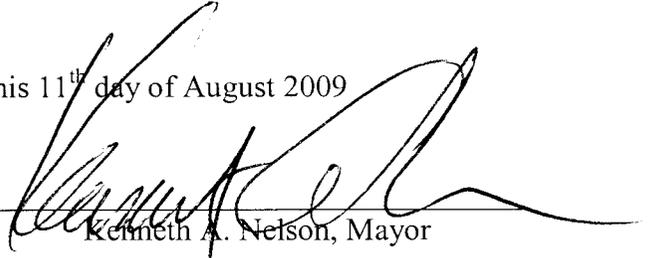
SECTION FOUR: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadow, Illinois.

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

NAYS: 0

ABSENT: Pitzafarro

Passed and approved this 11th day of August 2009



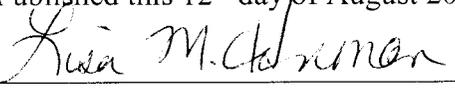
Kenneth A. Nelson, Mayor

ATTEST:



Lisa M. Hinman, City Clerk

Published this 12th day of August 2009.



Lisa M. Hinman, City Clerk