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Cook County Recorder 29.50



Village of Mount Prospect

100 South Emerson Street
Mount Prospect, Illinois 60056

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MAIL TO RECORDER'S BOX 324 (NFK)

I, Velma W. Lowe, do hereby certify that I am the duly appointed Village Clerk of the Village of Mount Prospect and as such, am keeper of the records and files of said Village.

I do further certify that attached hereto is a true and correct copy of Ordinance No. 5209 entitled "AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND VARIATIONS FOR PROPERTY LOCATED AT 1001 SOUTH BUSSE ROAD," passed at the regular meeting of the Mayor and Board of Trustees held September 18, 2001, at which time the Village Board voted as follows:

AYES: Corcoran, Hoefert, Lohrstorfer, Skowron, Wilks, Zadel

NAYS: None

ABSENT: Farley

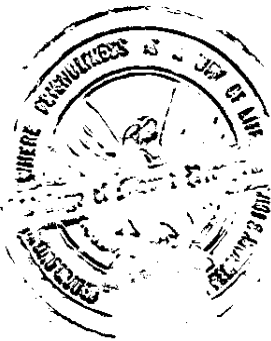
all as appears in the official records and files in my care and custody.

Dated this 20th day of September, 2001.

Velma W. Lowe

Velma W. Lowe, Village Clerk
Village of Mount Prospect
Cook County, Illinois

(Seal)



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MAIL TO RECORDER'S BOX 324 (NFK)

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ORDINANCE NO. 5209

11029902

AN ORDINANCE GRANTING A CONDITIONAL USE AND
VARIATIONS FOR PROPERTY LOCATED AT
1001 SOUTH BUSSE ROAD

Passed and approved by
the President and Board of Trustees
the 18th day of September, 2001

Published in pamphlet form by
authority of the corporate
authorities of the Village of
Mount Prospect, Illinois, the
19th day of September, 2001

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VWL
8/29/01

11023902

ORDINANCE NO. 5209

AN ORDINANCE GRANTING A CONDITIONAL USE AND VARIATIONS FOR PROPERTY LOCATED AT 1001 SOUTH BUSSE ROAD

WHEREAS, W. Thomas Niemira, Agent (hereinafter referred to as "Petitioner") has filed a petition for a Conditional Use and Variations with respect to property located at 1001 South Busse Road, (hereinafter referred to as the "Subject Property") and legally described as follows:

Property Index Number: 08-14-110-037

Lot 2 in the Resubdivision of Lots 28 & 29 in Block 1 in Elk Ridge Villa Unit 1, being a Subdivision in the West ½ of the West ½ of sec. 14, Township 41 North, Range 11 East of the 3rd Principal Meridian, in Cook County, IL;

and

WHEREAS, the Petitioner seeks a Conditional Use permit to construct a 2,576 square foot combination donut/ice cream establishment with a drive-thru, as provided in Section 14.1703 of the Village Code; and

WHEREAS, the Petitioner seeks Variations from the Village Zoning Code as specified in SECTION THREE of this Ordinance; and

WHEREAS, a Public Hearing was held on the request for a Conditional Use and Variations being the subject of ZBA Case No. 21-2001 before the Zoning Board of Appeals of the Village of Mount Prospect on the 23rd day of August, 2001, pursuant to proper legal notice having been published in the Mount Prospect Journal & Topics on the 11th day of July, 2001; and

WHEREAS, the Zoning Board of Appeals has submitted its findings and positive recommendation to the President and Board of Trustees in support of the requests being the subject of ZBA 21-2001; and

WHEREAS, the President and Board of Trustees of the Village of Mount Prospect have given consideration to the requests herein and have determined that the same meets the standards of the Village and that the granting of the proposed Conditional Use permit and Variations would be in the best interest of the Village.

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NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS:

SECTION ONE: The recitals set forth hereinabove are incorporated as findings of fact by the President and Board of Trustees of the Village of Mount Prospect.

SECTION TWO: The President and Board of Trustees of the Village of Mount Prospect do hereby grant a Conditional Use permit to allow the construction of a 2,576 square foot donut/ice cream establishment, with drive-thru lane, as provided in Section 14.203.F.7 of the Village Code; and

SECTION THREE: The President and Board of Trustees of the Village of Mount Prospect do hereby grant the following variations, as provided in Section 14.203.C.7 of the Village Code:

1. To locate the structure sixteen feet (16') from the rear south lot line;
2. To allow the drive-thru lane to encroach eight feet (8') into the ten-foot (10') south setback;
3. To allow a landscape setback of less than the required ten feet (10'), for portions of the south and east lot lines, as shown on the landscape plan prepared by W.C. Doland, Engineering, revised August 8, 2001;
4. To allow the drive-thru lane to encroach six feet (6') into the ten-foot (10') east setback;
5. To allow the location of a waste receptacle 5.6 feet from the east lot line, all as shown on the site plan prepared by W.C. Doland Engineering, revised August 8, 2001, a copy of which is attached hereto, and made a part hereof.

SECTION FOUR: Prior to the issuance of a building permit relative to the Conditional Use permit and Variations, the following conditions and/or written documentation shall be fulfilled:

1. The building shall be constructed in accordance with the elevations presented at the August 23, 2001 Zoning Board of Appeals meeting (no date on the drawings; staff date stamped August 9, 2001);
2. Speaker box cannot be used after 10:00 p.m., which requires that all drive-thru orders are placed at the drive-thru window from 10:00 p.m. to 6:00 a.m.;
3. The entire site and building are developed in compliance with all other Village Codes;
4. Plant five-feet (5') tall evergreens around the waste receptacle;
5. Plant five-feet (5') tall evergreens along the south lot line;
6. Construct the freezer from brick face material, to be consistent with the remainder of the building.

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1001 S. Busse Road

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SECTION FIVE: The Village Clerk is hereby authorized and directed to record a certified copy of this Ordinance with the Recorder of Deeds of Cook County.


SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

AYES: Corcoran, Hoefert, Lohrstorfer, Skowron, Wilks, Zadel

NAYS: None


ABSENT: Farley

PASSED and APPROVED this 18th day of September, 2001.



Timothy J. Corcoran
Mayor Pro Tem

ATTEST:



Velma W. Lowe
Village Clerk

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