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Doc#: 1410129093 Fee: \$68.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/11/2014 03:27 PM Pg: 1 of 16

STATE OF ILLINOIS)
)
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, GLORIA J. LUDWIG, do hereby certify that I am the qualified and acting CITY CLERK* of the City of Des Plaines, Cook County, Illinois, AND THAT AS SUCH, I am the officer duly designated by law to keep the minutes, ordinances, resolutions and proceedings of the City Council of the City of Des Plaines.

I further certify that the attached and foregoing copy of ORDINANCE Z-4-14; AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DOMESTIC PET SERVICE IN THE C-3 ZONING DISTRICT AT 650 GRACELAND AVENUE/1351 WEBFORD AVENUE, DES PLAINES, ILLINOIS (CASE#13-067-CU) is a true and correct copy of the records of the City of Des Plaines.

IN WITNESS WHEREOF, I hereunto affix my signature and impress hereon the corporate seal of the said City of Des Plaines, Cook County, Illinois, this 7th day of April, 2014.

GLORIA J. LUDWIG, City Clerk
City of Des Plaines, County of Cook

By:

KRIS M. LINQUIST, Deputy City Clerk
City of Des Plaines, County of Cook

*Per the provisions of 65 ILCS 5/3.1-20-5
of the Illinois Compiled Statues (2012)

1 copy

UNOFFICIAL COPY**CITY OF DES PLAINES****ORDINANCE Z - 4 - 14****AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DOMESTIC PET SERVICE IN THE C-3 ZONING DISTRICT AT 650 GRACELAND AVENUE/1351 WEBFORD AVENUE, DES PLAINES, ILLINOIS. (Case #13-067-CU).**

WHEREAS, Jennifer Haney, on behalf of Happy Dog Grooming Spa ("*Petitioner*"), submitted an application to the City of Des Plaines Department of Community and Economic Development ("*Department*") for a conditional use permit to allow for the operation of a domestic pet service ("*Conditional Use Permit*") on that certain property commonly known as 650 Graceland Avenue/1351 Webford Avenue, Des Plaines, Illinois ("*Subject Property*"), in accordance with Section 7.3-6.C of the City of Des Plaines Zoning Ordinance of 1998, as amended ("*Zoning Ordinance*"), and

WHEREAS, the Subject Property is owned by Bill Mandas, who has consented to Petitioner's application; and

WHEREAS, the Subject Property is located in the C-3, General Commercial District ("*C-3 District*"); and

WHEREAS, the operation of a domestic pet service is permitted in the C-3 District only with a conditional use permit; and

WHEREAS, the Petitioner's application was 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 from the date of the Petitioner's application a public hearing was held by the Board on January 14, 2014 pursuant to notice published in the *Journal* on December 26, 2013; 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 January 14, 2014, summarizing the testimony and evidence received by the Board and stating the Board's recommendation, by a vote of 6-0, to approve the Petitioner's application; and

WHEREAS, the Petitioner made certain representations to the Board with respect to the

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proposed conditional use, 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 subject to certain terms and conditions; and

WHEREAS, the City Council has considered the written report of the Zoning Board of Appeals, the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated January 15, 2014, 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 application 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 legally described as follows:

THE NORTH 15.0 FEET OF LOT 6 (EXCEPT THE WEST 120.0 FEET THEREOF) AND ALL OF LOT 7 (EXCEPT THE WEST 120.0 FEET THEREOF) IN BLOCK 10 IN DES PLAINES MANOR TRACT NO. 1 A SUBDIVISION OF PART OF SECTION 17 AND 20, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO PLAT RECORDED JULY 14, 1911 AS DOCUMENT NUMBER 4793563 IN COOK COUNTY, ILLINOIS.

PINs: 09-17-417-019-0000

Commonly known as 650 Graceland Avenue/1351 Webford Avenue, Des Plaines, Illinois.

SECTION 3. CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Petitioner the Conditional Use Permit to allow for the operation of a domestic pet service 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.

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SECTION 4. CONDITIONS. The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the development, use, and maintenance of the Subject Property by Petitioner 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 3.4-8, "Limitations on Conditional Uses," and 3.4-9, "Effect of Approval," of the Zoning Ordinance:

1. That certain "Plat of Survey" prepared by Nelson, Harker, and Malloy, Inc., consisting of one sheet, and dated April 17, 1964, attached to, and by this reference made a part of, this Ordinance as **Exhibit A**; and
2. That certain "Site Plan" prepared by Kurtz Associates Architects, consisting of one sheet, and dated December 31, 2013, attached to, and by this reference made a part of, this Ordinance as **Exhibit B**; and
3. That certain "Floor Plan" prepared by Jennifer Haney, consisting of one sheet, and dated December 6, 2013, attached to, and by this reference made a part of, this Ordinance as **Exhibit C**.

SECTION 5. 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

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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 4 of this Ordinance, the Conditional Use Permit granted in Section 3 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 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-5 District. Further, in the event of such revocation of the Conditional Use Permit, 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 4.7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 6. 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, not less than 60 days after the passage and approval of this Ordinance, of an unconditional agreement and

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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 D**; 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 6.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 7. 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.

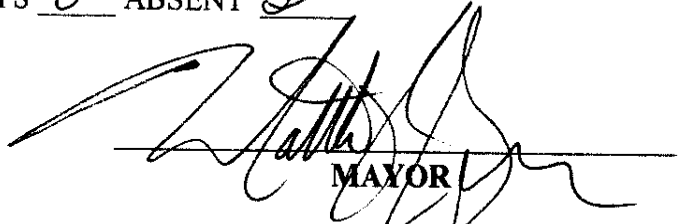
[SIGNATURE PAGE FOLLOWS]

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PASSED this 18th day of February, 2014.

APPROVED this 18th day of February, 2014.

VOTE: AYES 6 NAYS 0 ABSENT 2



MAYOR


ATTEST:



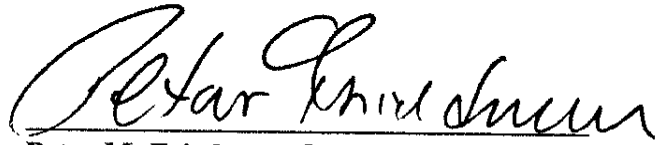
CITY CLERK - Deputy

Published in pamphlet form this
19th day of February, 2014.

Approved as to form:



CITY CLERK - Deputy



Peter M. Friedman, General Counsel

I, Jennifer Haney, 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: 2.24.14



(Signature)

LegalOrd\Special\CU\DP-Ordinance Approving a Conditional Use Permit (CUP) for a Domestic Pet Service at 650 Grandland Ave

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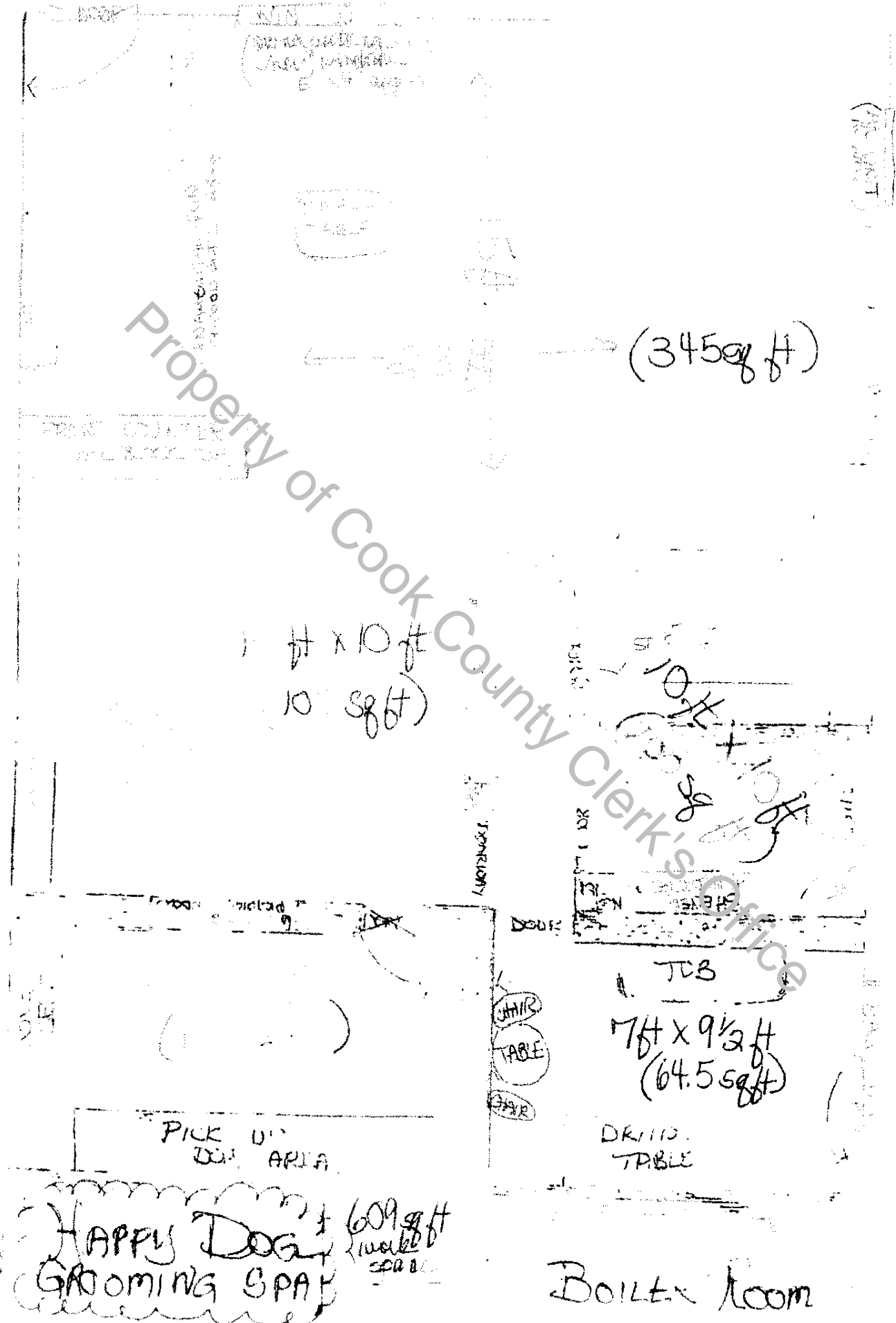


Exhibit C

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EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Jennifer Haney, on behalf of Happy Dog Grooming Spa ("**Petitioner**"), applied to the City of Des Plaines for a conditional use permit to allow for the operation of a domestic pet service ("**Conditional Use Permit**") on that certain property commonly known as 650 Graceland Avenue/1350 Webford Avenue, Des Plaines, Illinois ("**Subject Property**") pursuant to Section 7.3-6.C of the City of Des Plaines Zoning Ordinance of 1998, as amended; and

WHEREAS, the Subject Property is owned by Bill Mandas ("**Owner**"), who has consented to Petitioner's application; and

WHEREAS, the Subject Property is located within the C-3 General Commercial District, in which the operation of a domestic pet service is allowed only pursuant to a conditional use permit; and

WHEREAS, Ordinance No. Z-~~4~~-14 adopted by the City Council of the City of Des Plaines on February 18, 2014 ("**Ordinance**"), grants approval of the Conditional Use Permit, subject to certain conditions; and

WHEREAS, Petitioner desires to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and Owner desires to evidence its consent to recording the Ordinance against the Subject Property upon obtaining fee simple title thereto;

NOW, THEREFORE, Petitioner and Owner do hereby agree and covenant as follows:

1. Owner shall, and does hereby, unconditionally consent to the recordation, at Petitioner's sole cost and expense, of Ordinance No. Z-4-14, adopted by the City Council on February 18, 2014, together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.
2. Petitioner shall, and does hereby, unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-4-14, adopted by the City Council on February 18, 2014.
3. Petitioner acknowledges and agrees 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

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does not, and shall not, in any way, be deemed to insure Petitioner against damage or injury of any kind and at any time.

4. Petitioner acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, 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 procedures required by Section 4.7 of the City's Zoning Ordinance are followed.
5. Petitioner agrees to and does 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 of its obligations under this Unconditional Consent and Agreement.
6. Petitioner shall, and does 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 Consent and Agreement. 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:

**JENNIFER HANEY, ON BEHALF OF
HAPPY DOG GROOMING SPA**

By: JENNIFER HANEY

By: Jennifer Haney
BILL MANDAS

By: BILL MANTAS

By: Bill Mantas

SUBSCRIBED and SWORN to
before me this 3rd day of
March, 2014.

Vasi Koufis
Notary Public



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CITY OF DES PLAINES

ORDINANCE NO. Z-4-14

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DOMESTIC PET SERVICE IN THE C-3 ZONING DISTRICT AT 650 GRACELAND AVENUE / 1351 WEBFORD AVENUE, DES PLAINES, ILLINOIS (Case #13-067-CU)

ADOPTED ON FEBRUARY 18, 2014
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines, Cook County, Illinois, this 19th day of February, 2014

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CERTIFICATE

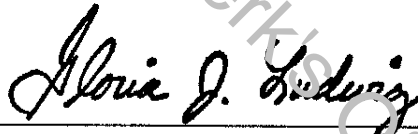
I, Gloria J. Ludwig, certify that I am the duly elected and acting Municipal Clerk of the City of Des Plaines, Cook County, Illinois.

I further certify that on February 18, 2014, the Corporate Authorities of such municipality passed and approved Ordinance No. Z-4-14 entitled AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT FOR THE OPERATION OF A DOMESTIC PET SERVICE IN THE C-3 ZONING DISTRICT AT 650 GRACELAND AVENUE / 1351 WEBFORD AVENUE, DES PLAINES, ILLINOIS (Case #13-067-CU) which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. Z-4-14, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on February 19, 2014 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

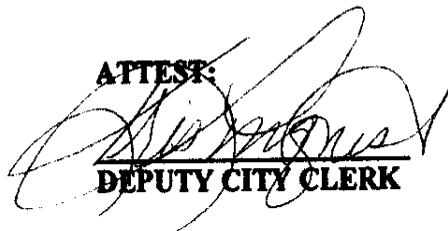
DATED at Des Plaines, Illinois, this 18th day of February, 2014.

(SEAL)



City Clerk

ATTEST:



DEPUTY CITY CLERK

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**OVERSIZE
EXHIBIT**

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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 04/11/2014 03:27 PM Pg: 1 of 16

**FORWARD ORIGINAL
DOCUMENT TO PLAT
COUNTER IMMEDIATELY
AFTER RECORDING FOR
SCANNING**