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(BY APPOINTMENT ONLY)

October 1, 2014

Village of Arlington Heights
Department of Planning & Community Development
33 South Arlington Heights Rd.
Arlington Heights, Illinois 60005

**Re: Response to Building Department Comment Sheets
Application for Land Use Variation
I-Cubed Enterprises, Inc.
2910 N. Arlington Heights Road, Arlington Heights, Illinois 60010**

Dear Department of Planning & Community Development,

Pursuant to your offices direction, the following represent responses on behalf of I-Cubed Enterprises, Inc. to any comments/inquiries made by the Building Department to the I-Cubed Application for Land Use Variation. The following responses are in the order they are expressed within the Application.

Page 1

Petitioner, I-Cubed, hereby notes that all code requirements, inspections, and approvals must be adhered to and all proper/required permits must be obtained. I-Cubed agrees to abide by all applicable codes and requirements.

Page 1A

Petitioner, I-Cubed, hereby notes that all code requirements under the 2009 International Mechanical Code as it relates to the cooking methods utilized in the kitchen must be adhered to. I-Cubed agrees to abide by all applicable codes and requirements.

Page 3

At the present time, there is no grease trap located on the 2610 N. Arlington Heights Road property. Petitioner, I-Cubed, intends to install a new grease trap, with more than ample capacity at the location. Furthermore, any code or permit requirements mandated by the Village, Health Department, or any other applicable building department will be strictly followed and adhered to prior to and following the installation of said trap.

Page 5

No responsive comment necessary. No concerns documented by the Arlington Heights Police Department.

Page 6

Petitioner, I-Cubed, hereby notes that all code requirements regarding the commissary kitchen must be built in compliance with the Illinois Department of Public Health's Food Service Sanitation Code. I-Cubed agrees to abide by all applicable codes and requirements.

Page 7, Comment #7

I-Cubed previously submitted a Written Justification which was contained in their initial September 9, 2014, Application for Land Use Variance. I-Cubed respectfully requests that the previously submitted Written Justification be incorporated to satisfy this requirement. Said document included the following:

Land Use Variation should be granted to Petitioner, I Cubed, at the address referenced above for the following reasons:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
2. The plight of the owner is due to unique circumstances.
3. The variation, if granted, will not alter the essential character of the locality.

First, I Cubed has entered into a lease (*attached to this Petition*) with Astrotech, Inc. to occupy approximately 6,270 square feet at the Astrotech Center located at 2906-2920 West Euclid Avenue, Arlington

Heights, Illinois. It is the intention of I Cubed to locate/operate their business offices as well as use said location as a food prep location for their Savory Salads operation, also located in Arlington Heights. I Cubed only employs a minimum amount of employees who will be situated in offices located in the front of the 6,270 square foot unit. If I Cubed is not permitted to use the remainder of the square footage, as indicated on the attached building plans, for the purposes of food prep for Savory Salads, they will be unable to yield a reasonable return on business operations under current conditions. I Cubed negotiated and entered into their current lease with Astrotech, Inc, based on being able to utilize part of the space for food prep, subject to approval by this Board. Clearly occupying a 6,270 square foot location to house with a handful of employees is not fiscally reasonable for I Cubed therefore making this Boards approval of variation vital to I Cubed being able to yield a reasonable return from the premises.

Next, the operations of I Cubed can be considered unique in character. I Cubed both manages and operates several entities held under its control. One such entity is Savory Salads, located at the Esplanade Center in Arlington Heights. I Cubed is not just involved in the office management of Savory Salads but food prep aspects as well. Hence, the difficulty that I Cubed will endure if not this petition is not granted will force I Cubed to be unable to operate completely at the Astrotech Center and ultimately force them to have to relocate operations.

Finally, if the proposed variation is granted, the essential character of the locality will not be altered in any way, shape, or form. The proposed food prep operations that will commence at the 2910 Office if this variation is granted will literally go unnoticed to the locality. I Cubes' intention of food prep for Savory Salads includes merely the cutting/packaging of salad and sandwich ingredients/products and really does not involve what would be considered a large scale food dispensary. This is a small operation looking to utilize their current Arlington Heights office space to the best of their ability.

Page 7, Comment #8

Petitioner, I-Cubed, has requested that the requirement for a traffic and parking analysis from a Certified Traffic Engineer be waived. Notwithstanding their request for waiver, I-Cubed previously submitted a non-certified Traffic Study which was contained in their initial September 9, 2014, Application for Land Use Variance. I-Cubed respectfully requests that the previously submitted non-certified Traffic Study be incorporated to satisfy this requirement. Said independent study included the following:

2910 North Arlington Heights Road is located south of West Dundee Road and north of East Hintz Road, which is just north of West Rand Road (US 12). The immediate area surrounding the 2910 property to the north consists of industrial, warehouse, and some office type developments. The 2910 property can be described as an industrial/office type development that is equipped with rear-loading ramps for deliveries, etc.

Petitioner, I Cubed Enterprises, Inc., currently occupies the 2910 suite. Businesses adjacent to the 2910 property, which are located in industrial type developments, include: Countryside Eco Water, Saturn Sign Systems, Russell Specialties Corporation, GW Berkheimer, and Decal Solutions Unlimited, Inc.

Additionally, the following identifies the Arlington Heights market and in turn traffic, including: Population, Households, Consumer Restaurant Expenditures, and Supermarkets and Other Grocery Retail Sales:

Population:	Population within 1-mile is 14,218 Population within 2-miles is 55,233, and; Population within 3-miles is 124,865
Households:	4,811 households within 1-mile 25,313 households within 2-miles, and; 55,438 households within 3-miles
Consumer Restaurant Expenditures:	Restaurant Expenditures within 1-mile is \$4,874,468 Restaurant Expenditures within 2-miles is \$51,144,034, and; Restaurant Expenditures within 3-miles is \$56,018,502
Supermarkets & Other Grocery: <i>(in Retail Sales Volume)</i>	Retail Sales Volume within 1-mile is \$17,953,194 Retail Sales Volume within 2-miles is \$88,477,133, and; Retail Sales Volume within 3-miles is \$194,907,461

I-Cubed Enterprises, Inc. currently manages and operates Savory Salads, Inc. from their 6,270 square foot unit located at the 2910 property. Savory Salads is a quick, casual restaurant specializing in and having as its primary menu items, panini's and salads, offering the option of carry out or dining in. Currently I-Cubed operates the Barrington Savory Salads with an additional store awaiting special use approval in Arlington Heights at the Esplanade Center.

I-Cubed Enterprises, Inc. is requesting "Land Use Variance" to permit them to utilize the rear two-thirds of the unit as a food commissary for Savory Salads. With the operation of two (2) stores, the proposed commissary would initially receive no more than two (2) deliveries per week: one (1) from Cisco and one (1) from Lee's Produce. At no point in time would deliveries exceed four (4) deliveries total, and that would only be if additional Savory Salads are opened and a need exists. Both Cisco and Lee's Produce deliver their products in standard small "box-type" trucks, not semi-trucks. All deliveries would be scheduled to occur on

the same day around the same time during the week, resulting in actual delivery occurring either once or twice a week. No additional deliveries would be necessary. If multiple deliveries are required, delivery days would be staggered so as to not to have deliveries occur on back-to-back days.

Once the food product is received at the commissary, the received items would be prepped for distribution to the Savory Salad locations. Food prep to occur at the 2910 unit would include: chopping of lettuce, produce, etc., as well as the cooking of roast beef and chicken. Once prepared and packaged, said items would then be distributed to the Savory Salads locations via car or standard pick-up truck. Distribution of prepped product from the commissary to each Savory Salads store would occur either once a day or once every two (2) days, depending upon demand.

In sum, I Cubed Enterprises, Inc. is requesting "Land Use Variation" to establish a food commissary at its currently occupied industrial/office unit located at 2910 North Arlington Heights Road. As mentioned supra, there are numerous industrial type businesses neighboring the 2910 property which operate in an industrial intake and distribution type fashion. By granting I Cubed's request for variation, I Cubed will be able to operate their business to the fullest of their ability and utilize their 6,270 square foot unit to its optimum potential. I Cubed is ready, willing, and able to outfit the 2910 unit with all the necessary food commissary equipment and plans on and is prepared to operate said commissary in the least intrusive means possible regarding deliveries and actual food prep to the surrounding area. I Cubed believes that the establishment of an internal food commissary would result in a prosperous arrangement for their Savory Salads management/operation and would continue to maintain Arlington Heights long-standing reputation of being business friendly.

Further, with regard to the additional request for written justification for why I-Cubed Petition for Land Use Variation should be granted, I-Cubed respectfully requests that the previously submitted Written Justification for Land Use Variation, submitted September 9, 2014, as well as the response outlined above in Page 7, Comment #7, be incorporated in response to the remainder of this Page 7, Comment #8.

Page 7, Comment #9

Petitioner, I-Cubed, hereby notes that in the M-1 District, no activity or operation can cause, at any time, the discharge in matter across lot lines in such concentration to be noxious. Additionally, that the emission of matter is such quantities as to be readily detectable as an odor at any point along lot lines is prohibited.

On September 28, 2014, I-Cubed previously submitted a document to the Village addressing odor control and proposed mitigation. I-Cubed respectfully requests that the prior submitted document regarding this concern, as well as the following, be incorporated into this response:

The concern for potential odors resulting from the operation of a food commissary at the above referenced property is also a non-issue. First, with regards to the creation of any potential odors as a result to

trash collection, the below illustrated trash removal plan, in I-Cubed response to Page 7, Comment #10, provides more than ample actions to eliminate most any potential trash odors. As stated below, it is estimated that any trash placed in the receptacle would typically be removed within a twenty-four (24) period, with a maximum in receptacle to removal time not to exceed forty-eight (48) hours. Given this extremely short interval, the time required for potential odors to even occur is should be eliminated in its entirety. Additionally, I-Cubed intends to “double-bag” all trash so as to alleviate any concern for odors as well as the potential for any leaks of garbage or odor causing material.

Additionally, concern for potential odors resulting from the actual preparation of food products inside the commissary is also a non-issue. Items to be prepared in the food commissary include such things as: produce (lettuce, tomatoes, onions, salad ingredients, etc.), meats (chicken, roast beef), and fresh baked bread. None of these items are those that produce such an odor that would tend to linger nor be significantly sensibly noticeable or offensive during preparation. This is due not only to the nature of the products but additionally due to the fact that equipment installed in the commissary will include quality ventilation systems which are known to dissipate the large majority of any odors. As I-Cubed is awaiting decision on this Petition prior to investing in material for the commissary, at this time the make, model, or specifications of any ventilation systems that would be installed in the commissary are unknown. However, I-Cube intends and can assure this Board that the ventilation system ultimately installed would be commercial grade and provide more than a substantial and likely required amount of ventilation to dissipate odors and to alleviate any concerns. Additionally, I-Cubed again notes that all codes and building/permit requirements must be adhered to with regards to the installation of any equipment, and re-establishes their intent to by all applicable codes and requirements.

Page 7, Comment #10

On September 28, 2014, I-Cubed previously submitted a document to the Village addressing trash removal and proposed mitigation. I-Cubed respectfully requests that the prior submitted document regarding this concern, as well as the following, be incorporated into this response:

The accumulation of trash will be a non-issue in the course of operating a food commissary at the above referenced property. For starters, I-Cubed intends to increase the frequency of trash pick-up/removal at the property immediately upon commencement of food preparation. As opposed to standard once (1) a week trash pick-up, it is I-Cube’s intention, depending on demand as well as the days food preparation is actually occurring at the location, to have trash pick-up two (2) to three (3) times a week. This will result in refuse not grossly accumulating at any time at the location, nor will it linger in the receptacle while waiting for pick-up. It is

estimated that any trash placed in the receptacle would typically be removed within a twenty-four (24) period, with a maximum in receptacle to removal time not to exceed forty-eight (48) hours. Once I-Cubed knows the schedule of the food prep to occur at the commissary, a trash removal schedule will be implanted to accomplish the trash removal times specified supra. Obviously if food is only prepared once or twice a week, trash removal, can and will be, scheduled to occur on the same day so there truly would never be any accumulation of refuse and alleviate any and all possible concern. Furthermore, trash would be removed from the physical building and brought out to the trash bin at the end of the day, or pursuant to applicable health code, so as to avoid trash being in the receptacle any longer than possible.

Finally, it is important to note that the proposed trash removal plan not only leads to the accumulation of nearly zero trash on the property, but it also deters any concern regarding the attraction of animals to the property, as the cause for animal attraction is also completely alleviated.

Page 7A, Comment #1

Petitioner, I-Cubed, hereby notes that pursuant to Chapter 28, section 6/15-1.2a, a three (3) foot high screen is required to screen the parking area that is adjacent to the public way along College Drive. Currently, a three (3) foot high screen is already in existence, which covers the entire applicable area, less one (1) area adjacent to a parking stall. I-Cubed agrees to abide by this code, and ensures that any area in need of proper three (3) foot screening be addressed and satisfied pursuant to code.

Page 7A, Comment #2

Petitioner, I-Cubed, hereby notes that there are existing trees and brush that consist primarily deciduous plant material along the south property line adjacent to the residential district. Additionally, I-Cubed notes that pursuant to Chapter 28, Section 6.16, a six (6) foot high screen that provides for year round opacity must be provided. Currently, the existing screen satisfies code requirements, and I-Cubed also notes that the existing screen will be monitored to ensure its continued satisfaction of code requirements throughout both the summer and winter months.

Respectfully Submitted,

CARPONELLI & BUTTITTA, LLC
Attorneys for Savory Salads, Inc.