

**AN ORDINANCE GRANTING A
SPECIAL USE PERMIT FOR A RESTAURANT
AND A VARIATION FROM CHAPTER 28 OF THE
ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, the Plan Commission of the Village of Arlington Heights, in Petition Number 15-008, pursuant to notice, conducted a public hearing on June 24, 2015, on a request for a special use permit for a 13,263 square foot restaurant and amusement device arcade, located in the Annex of Arlington Shopping Center, 41 West Rand Road, Arlington Heights, Illinois, which property is located in a B-2 General Business District; and

WHEREAS, the President and Board of Trustees have considered the report and recommendation of the Plan Commission and have determined that authorizing and granting the request, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights; and

WHEREAS, the President and Board of Trustees hereby find that the proposed establishment of a restaurant in that location will be desirable for the public convenience and that such facility will be compatible with other uses in the vicinity of the site,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That a special use permit for a 13,263 square foot restaurant and amusement device arcade in a B-2 General Business is granted for the property legally described as:

Parcel 1:

That part of Lot 2 in Hardee's Rand Road Subdivision, being a subdivision of parts of the West ½ of the Southwest ¼ of Section 17, and the East ½ of the Southeast ¼ of Section 18, lying Southwesterly of the center line of Rand Road, all in Township 42 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 16, 1986 as Document 86297345, and a 0.019 acre parcel South of said Lot 1, described as follows:

Beginning at the Easterly most corner of said Lot 2; thence South 42 degrees 02 minutes 44 seconds West, 568.13 feet to a Southerly line of said Lot 2; thence North 89 degrees 47 minutes

42 seconds West, 28.95 feet along the said Southerly line of said Lot 2, to a point 96.40 feet, as measured along said Southerly line, east of a corner of said Lot 2; thence North 47 degrees 49 minutes 39 seconds West, 186.71 feet to a South line of said Lot 2; thence North 89 degrees 47 minutes 42 seconds West, 27.62 feet along the last described South line to a point 373.47 feet, as measured on said South line, East of the West line of the Southwest $\frac{1}{4}$ of Section 17, aforesaid; thence North 47 degrees 57 minutes 53 seconds West, 194.53 feet; thence North 31 degrees 32 minutes 09 seconds West, 157.43 feet to a Westerly line of said Lot 2; thence North 42 degrees 00 minutes 35 seconds East along said Westerly line, 10.81 feet to a Southwesterly line of said Lot 2; thence North 47 degrees 59 minutes 25 seconds West along said Southwesterly line 325 feet to a Northwest line of said Lot 2; thence North 42 degrees 00 minutes 35 seconds East along said Northwest line, 550.00 feet to the South line of Rand Road (said South line also being the Northeasterly line of said Lot 2); thence South 47 degrees 59 minutes 25 seconds East along said South line, 246.30 feet to a corner of Lot 1 in Hardee's Rand Road Subdivision, aforesaid; thence South 42 degrees 00 minutes 35 seconds West, 230.00 feet; thence South 47 degrees 59 minutes 25 seconds East, 175.00 feet; thence North 42 degrees 00 minutes 35 seconds East, 230 feet to the South line of Rand Road; thence South 47 degrees 59 minutes 25 seconds East, 478.67 feet to the place of beginning, all in Cook County, Illinois.

Parcel 2:

A perpetual non-exclusive easement established pursuant to a grant of easement dated July 10, 1990 and recorded July 26, 1990 as Document 90359319 over, across and upon the following described property for use and maintenance of a storm water retention pond for the benefit of Parcel 1;

Parcel 2A (Arlington Cove portion)

That part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17 and the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 18, lying Southwesterly of the center line of Rand Road, all in Township 42 North, Range 11, East of the Third Principal Meridian, described as follows:

Commencing at the most Southwesterly corner of Lot 2 in Hardee's Subdivision, being a subdivision of parts of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Section 17 and the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 18, lying Southwesterly of the center line of Rand Road, according to the plat thereof recorded July 16, 1986 as Document 86297345, said point being on a line 900 feet North of and parallel with the South line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 18, a distance of 90.69 feet West of the East line of the Southeast $\frac{1}{4}$ of said Section 18; thence North 42 degrees 02 minutes 18 seconds East along the West line of said Lot 2, a distance of 120 feet for a point of beginning; thence North 03 degrees 44 minutes 40 seconds West, 142 feet; thence North 02 degrees 08 minutes 16 seconds East, 127.88 feet; thence North 42 degrees 02 minutes 18 seconds East, 48 feet to a point on the West line of said Lot 2; thence South 47 degrees 57 minutes 42 seconds East along the West line of Lot 2 for a distance of 183.80 feet to a bend point of said Lot 2; thence South 42 degrees 02 minutes 18 seconds West along the West line of said Lot 2 for a distance of 245.13 feet to the point of beginning, in Cook County, Illinois. and

Parcel 2B (Southeast portion)

That part of Lot 2 in Hardee's Rand Road Subdivision, being a subdivision of parts of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17 and the East $\frac{1}{2}$ of the of the Southeast $\frac{1}{4}$ of Section 18 lying Southwesterly of the center line of Rand Road, all in Township 42 North Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 16, 1986 as Document 86297345, described as follows:

Beginning at the most Southwesterly corner of said Lot 2, said point being on a line 900 feet North of and parallel with the South line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 18, 90.69 feet West of the East line of the Southeast $\frac{1}{4}$ of said Section 18; thence North 42 degrees 02 minutes 18 seconds East along the Westerly line of said Lot 2 for a distance of 354.43 feet; thence South 31 degrees 32 minutes 09 seconds East, 157.43 feet; thence South 47 degrees 57 minutes 53 seconds East, 194.53 feet to a point on the Southerly line of said Lot 2 for a distance of 373.47 feet to a bend point on the Southerly line of said Lot 2, said point being on the West line of the Southwest $\frac{1}{4}$ of said Section 17; thence South 89 degrees 49 minutes 58 seconds West along the Southerly line of said Lot 2 for a distance of 90.69 feet to the point of beginning, in Cook County, Illinois.

Parcel 3:

Lot 1 in the Annex of Arlington Phase II, being a subdivision in the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 42 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded June 23, 1999 as Document 99569378, in Cook County, Illinois (excepting therefrom that part conveyed to the State of Illinois, Department of Transportation by Warranty Deed dated December 13, 1999 and recorded January 25, 2000 as Document 00062458 and more particularly described as follows:

Parcel A:

That part of Lot 1 in the Annex of Arlington Phase II, being a subdivision in the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 42 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded June 23, 1999 as Document 99569378, described as follows: beginning at the most Northerly corner of said Lot 1; thence South 47 degrees 57 minutes 52 seconds East along the Northeasterly line of said Lot 1, being also the Southwesterly line of Rand Road per Document 12592035, 428.04 feet to the Northeast corner of said Lot 1; thence South 00 degrees 01 minutes 28 seconds West along the East line of said Lot 1; being also the West line of Arlington Heights Road, 20.19 feet to an intersection with a line 15.00 feet, as measured at right angles Southwesterly of and parallel with the Northwesterly line of said Lot 1; thence North 47 degrees 57 minutes 52 seconds West along said last described parallel line, 441.56 feet to the Northwesterly line of said Lot 1; thence North 42 degrees 03 minutes 40 seconds East along the Northwesterly line of said Lot 1, 15.00 feet to the point of beginning, in Cook County, Illinois.

Parcel B:

That part of Lot 1 in the Annex of Arlington Phase II, being a subdivision in the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 42 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded June 23, 1999 as Document 99569378, described as follows: commencing at the Northeast corner of said Lot 1; thence South 00 degrees 01 minutes 28 seconds West along the East line of said Lot 1 being also the West line of Arlington Heights Road, 20.19 feet to an intersection with a line 15.00 feet, as measured at right angles, Southwesterly of and parallel with the Northeasterly line of said Lot 1; thence North 47 degrees 57 minutes 52 seconds West along said last described parallel line, 13.46 feet to a point of beginning at the intersection of said last described parallel line with a line 10.00 feet, as measured at right angles, West of and parallel with the East line of said Lot 1; thence continuing North 47 degrees 57 minutes 52 seconds West parallel with the Northeasterly line of said Lot 1, 40.00 feet; thence South 23 degrees 58 minutes 12 seconds East, 73.09 feet to a point on a line 10.00 feet, as measured at right angles, West of and parallel with the East line of said Lot 1, said point being 40.00 feet South of the point of beginning; thence North 00 degrees 01 minutes 28

seconds East parallel with the East line of said Lot 1, 40.00 feet to the point of beginning, in Cook County, Illinois.

Parcel 4:

An easement for the benefit of Parcel 1 as created by Easement Agreement dated April 1, 1999 and recorded April 5, 1999 as Document 99322489 from Cosmopolitan Bank and Trust Company, as Successor Trustee to First Bank of Oak Park, as Trustee under Trust Agreement dated June 19, 1973 and known as Trust Number 10095, to American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated July 20, 1994 and known as Trust Number 118561-01, and Arlington LLC, an Illinois Limited Liability Company, for the purpose of parking and for ingress and egress over the following described land:

The North 88 feet of the South 738.33 feet of the East 155.00 feet (except that part thereof taken for widening of Arlington Heights Road) of that part of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17, Township 42 North, Range 11, East of the Third Principal Meridian, lying South of the center of Rand Road, in Cook County, Illinois.

Parcel 5:

Together with those certain utility easements as set forth in Declaration of Utility Easement recorded June 14, 1999, as Document 99569377 American National Bank and Trust company of Chicago as Trustee under Trust Agreement dated July 20, 1994, known as Trust Number 118561-01, Grantor and Arlington LLC, Grantee.

Parcel 6:

Together with those certain parking easements as set forth in Reciprocal Declaration of Grant of Parking Easements made by and between Arlington, LLC and American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated July 20, 1994, and known as Trust Number 118561-01 recorded April 5, 1999, as Document No. 99322488.

Parcel 7:

That part of the West 112 of the Southwest 114 of Section 17, lying South of the center line of Rand Road, all in Township 42 North, Range 11 East of the Third Principal Meridian, described as follows: Commencing at a point in the center of Rand Road that is 1,350 feet Northwesterly of the intersection of the center of said road with the East line of the said West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 17, said intersection being 936.53 feet North of the South line of said Section; thence Southeasterly along the center line of said Rand Road 421.3 feet to a point that is 928.7 feet Northwesterly of the intersection with said East line of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$; thence Southwesterly 50.0 feet on a line normal to a point of beginning; thence, continuing Southwesterly 230 feet on a line normal to Rand Road to a point; thence, Northwesterly 175 feet along a line parallel to center line of Rand Road to a point; thence Northeasterly 230 feet along a line normal to Rand Road to a point; thence Southeasterly 175 feet along a line parallel with and 50 feet Southwesterly of the center line of Rand Road to the place of beginning, all in Cook County, Illinois. also described as: lot 1 of Hardee's Rand Road Subdivision of parts of the West $\frac{1}{2}$ of Southwest $\frac{1}{4}$ of Section 17 and the East $\frac{1}{2}$ of the Southeast 114 of Section 18, lying Southwesterly of the center line of Rand Road, all in Township 42 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois, according to the plat recorded July 16, 1986, as Document Number 86297345, in Cook County, Illinois.

Parcel 8:

Non-exclusive easements for parking, pedestrian traffic and walkways, vehicular access and roadways, and utilities, granted by Agreement of Easements, Covenants, Conditions and Restrictions made by and between Bank of Ravenswood, an Illinois banking corporation, not

personally but solely as Trustee pursuant to Trust Agreement dated December 18, 1984, and known as Trust Number 25-6836 ("Trust") and Harcon Foods, Inc., an Illinois corporation ("Harcon"), recorded July 22, 1986 as Document Number 86308674, over that part of land therein described as "Trust Parcel", for the purpose of: (a) roadway easement: a non-exclusive easement for vehicular traffic over, across and upon that part of the entire parcel which is or may hereafter be improved with driveways and on-site vehicle lanes (collectively "access roads") providing ingress and egress to and from Rand Road, (part of which is a 65 foot easement for ingress and egress reflected on the Plat of Subdivision of Hardee's Rand Road Subdivision recorded July 16, 1986, as Document Number 86297345, and as amended and supplemented and granted by Agreement of Easements, Covenants, Conditions and Restrictions recorded July 22, 1986, as Document Number 86308674 in Cook County, Illinois.) (b) Parking Easement: a non-exclusive easement ("Parking Easement") for the parking of motor vehicles over, across and upon that part of entire parcel which is or may hereafter be improved with parking areas ("collectively parking area"). (c) Walkway Easement: a non-exclusive easement for pedestrian walkways ("Walkways") over, across and upon that part of entire parcel which is or may hereafter be improved with walkways necessary and required for the proper utilization of roadway easement and parking easement ("Walkway Easement"). (d) Utility Easement: a non-exclusive easement over, across and under that part of entire parcel presently improved and which may hereafter be improved with underground electrical, gas, telephone and other utility lines and services, water mains, sanitary sewers and storm sewers ("utility lines"), surface storm water detention areas ("Detention Areas") and Parking Area ("Utility Easement"). (e) Repair Easement: a non-exclusive easement across, through and under Arlington Annex Shopping Center for the purpose of providing services, labor and material reasonably necessary and required to maintain and repair access roads, parking area, walkways, utility lines and detention areas ("Repair Easement").

PIN 03-17-302-074, -075, -077, -078, -055

and commonly described as 41 W. Rand Road, Arlington Heights, Illinois, which shall be in compliance with the following plans:

Architectural Site Sketch, prepared by James M. Hamill, A.I.A., dated March 19, 2015, consisting of sheet A01.0;

Furnishing Plan, prepared by James M. Hamill, A.I.A., dated April 19, 2015, consisting of sheet A9.0;

Proposed Front Elevation, dated November 14, 2014, consisting of one sheet,

copies of which are on file and available for public inspection with the Village Clerk.

SECTION TWO: That a variation from Chapter 28, Section 6.12-1(3) Traffic Engineering Approval, waiving the requirement for a traffic study and parking analysis prepared by a qualified professional engineer, is hereby granted.

SECTION THREE: That the special use permit and variation granted by this Ordinance are subject to the following conditions, to which the Petitioner has agreed:

1. The arcade area shall be limited to 3,680 square feet.
2. A maximum number of 70 amusement devices are permitted.
3. The Petitioner shall comply with all Federal, State and Village codes, regulations and policies.

SECTION FOUR: That the Director of Building of the Village of Arlington Heights is directed to issue permits for the facility herein approved, upon proper application and after compliance with all applicable ordinances of the Village of Arlington Heights.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village Clerk in the Office of the Recorder of Cook County, Illinois.

AYES:

NAYS:

PASSED AND APPROVED this 20th day of July, 2015.

Village President

ATTEST:

Village Clerk

Special Use: Chuck E. Cheese