CITY OF PROSPECT HEIGHTS
SPECIAL MEETING
Revised Agenda
December 3, 2012 – 6:30 p.m.
City Hall
8 North Elmhurst Road
Prospect Heights, IL 60070

Agenda

I. CALL TO ORDER

II. ROLL CALL

III. Legislation

A. An Ordinance Amending a Special Use for a Commercial Planned Unit Development at 1241 North Rand Road Approving Twenty-Four Hour Per Day Truck Deliveries for the Anchor Store.

B. A Resolution Ratifying an Amendment to the Reciprocal Agreement on Exchange of Information.

IV. ADJOURNMENT

POSTED: November 30, 2012, 10:00AM by Robert Sabo, Deputy Clerk.

A

ORDINANCE NO. O-12-__

AN ORDINANCE AMENDING A SPECIAL USE FOR A COMMERCIAL PLANNED UNIT DEVELOPMENT AT 1241 NORTH RAND ROAD APPROVING TWENTY-FOUR HOUR PER DAY TRUCK DELIVERIES FOR THE ANCHOR STORE

WHEREAS, the City of Prospect Heights ("City") adopted Ordinance No. O-88-36 on November 17, 1988, approving a Planned Unit Development ("PUD") for the property located at 1215 through 1299 North Rand; and

WHEREAS, the City adopted Ordinance No. O-89-37 on August 21, 1989, which amended the PUD to allow for truck traffic to be permitted in the area from the east line of the building to the east line of the Property from 6:30 AM to 10:00 PM, Monday through Saturday; and 9:00 AM to 6:00 PM, Sundays and Holidays, for the grocery anchor store only; and

WHEREAS, the City of Prospect Heights has initiated an amendment to the existing Special Use Permit to allow for twenty four (24) hour truck traffic deliveries for the Main Anchor Store in the area from the east line of the building to the east line of the Property; and

WHEREAS, the Plan Zoning Board of Appeals ("PZB") held a public hearing on November 15th, 2012, regarding said application; and

WHEREAS, the PZB has found the application meets the standards for an amendment to the special use permit and has recommended that the City Council grant such relief; and

WHEREAS, the Mayor and City Council have reviewed the documents pertinent to the application and the recommendations of the PZB, concur with the findings of the PZB and find that the standards for the amendment to the PUD have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

SECTION ONE. The City Council hereby finds and determines that the facts and conditions set forth in the preamble hereto are true, correct and appropriate and hereby adopts same as part of this Ordinance.

SECTION TWO. That Section 3, Paragraph L of Ordinance O-88-36 "Ordinance Granting a Special Use for a Planned Unit Development for Property as Rand/Willow Roads", as amended by Ordinance No. O-89-37 "An Ordinance Amending a Special Use for a Commercial Planned Unit Development for Property as Rand/Willow Roads" is hereby further amended to read as follows:

1. There shall be no truck traffic permitted in the area from the east line of the building depicted on Exhibit "B" to the east line of the Subject Property except as set forth below:

    a. All stores with the exception of the main anchor store – 7:30 AM to 7:00 PM, Monday through Saturday.

    b. Main Anchor Store - twenty four (24) hours a day, seven days a week.

SECTION THREE. That the approval granted in Section Two above is subject to the following conditions:

1. The owner of the Property shall deposit a cash bond or a letter of credit (in a form acceptable to the City Attorney and from a financial institution acceptable to the Mayor) with the Director of Building and Zoning ("Director"), the value of which shall be in an amount equal to 110% of the cost of installing a 375 lineal feet of 8-foot tall, solid, wood fence ("Fence") on top of the landscaped berm which runs along the east property line behind the Main Anchor Tenant Space of the Property;

2. The cost of installing said Fence for purposes of determining the amount of the Cash Bond or the Letter of Credit shall be as determined by the Director based on 3 written proposals;

3. For a period of 1-year from the issuance of a certificate of occupancy for the Main Anchor Store tenant space renovations ("Look Back Period"), the Director shall monitor and investigate noise complaints related to the operation of the proposed Ultra Foods (or similar brand) grocery store in the Main Anchor Store tenant space.

4. Shortly after the expiration of the Look Back Period, the Director shall report his findings to the City Council;

5. If the City Council determines that the impact on adjacent homes of truck noise from deliveries to the Main Anchor Store tenant space between the hours of 10:00 P.M. and 6:30 A.M. during the Look Back Period has been substantially exacerbated by the grant of the relief in Section Two, it may require the installation of the Fence by resolution.

6. If the City Council by resolution directs the installation of the Fence, the City Administrator or her designee shall notify the Owner of the Property. If the Owner fails to install the Fence within 30 days from the date of the notice, the Director of Building and Zoning may cause the Fence to be installed and may utilize the Cash Bond or Letter of Credit, as the case may be, to pay all costs related to the materials and labor for the installation.

7. The Fence shall at all times be deemed property of the Owner of the shopping center and the City shall have no responsibilities related to the Fence whatsoever. The Owner of the shopping center shall be responsible for maintenance of the Fence at all times.

8. Issuance of a Certificate of Occupancy for the Main Anchor Store tenant space is expressly conditioned on compliance with subparagraphs 1 and 2 above.

SECTION FOUR. That this Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED and **APPROVED** this **3rd day of December, 2012**.

_____
Nicholas J. Helmer, Mayor

ATTEST:

_____
City Clerk

AYES:

NAYS:

ABSENT:

Published in pamphlet form: _____

B

RESOLUTION NO._____

A RESOLUTION RATIFYING AN AMENDMENT TO THE RECIPROCAL AGREEMENT ON EXCHANGE OF INFORMATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS, as follows:

WHEREAS, the City of Prospect Heights ("City") and the Illinois Department of Revenue ("IDOR") entered into a Reciprocal Agreement on Exchange of Information on September 7, 2011; and

WHEREAS, the City and IDOR desire to enter into an Amendment to the Reciprocal Agreement on Exchange of Information ("Amendment"), a copy of which is attached hereto as Exhibit A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS:

SECTION ONE: The City Council finds that the above recitals are true and correct and incorporates the same as part of this resolution.

SECTION TWO: The City Council hereby authorizes the Amendment and ratifies the Mayor's actions in signing said Amendment prior to the adoption of this resolution.

SECTION THREE: This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2012.

_____
MAYOR

ATTEST:

_____
CITY CLERK

AYES:

NAYS:

ABSENT: