

ORDINANCE NO. O-24-01

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW A SIT DOWN RESTAURANT AT 1313 UNIT A, N. RAND ROAD, ARLINGTON HEIGHTS, IL

WHEREAS, the City of Prospect Heights Zoning Ordinance requires a Special Use Permit to operate a sit down restaurant in the B-2A General Commercial Zoning District; and

WHEREAS, Bhavin and Nikunj Patel, Patel’s Peri Peri Inc., (Petitioner), have filed an application for a sit down restaurant to be located at 1313 Unit A, N. Rand Road, Arlington Heights, Illinois (the “Property”); and

WHEREAS, the Plan Zoning Board of Appeals (PZBA) held a public hearing on December 13, 2023 regarding said application; and

WHEREAS, the PZBA has found the application meets the standards for a special use and voted 6-0 to recommend approval of the special use to the City Council; and

WHEREAS, the Mayor and City Council have reviewed the documents pertinent to the application and the recommendations of the PZBA, concurs with the findings of the PZBA and finds that the standards for the special use have been met;

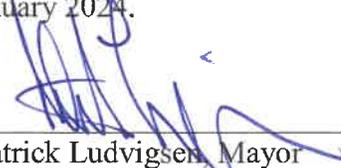
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS as follows:

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.

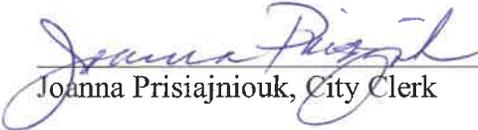
SECTION TWO. That a Special Use Permit is hereby granted for a sit down restaurant on the Property and shall run with the use and not with the land.

SECTION THREE. 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 8th day of January 2024.


Patrick Ludvigsen, Mayor

ATTEST:


Joanna Prisiajniouk, City Clerk

AYES: Cameron, Anderson, Morgan-Adams, Dash, Dolick

NAYS: None

ABSENT: None

Published in pamphlet form: January 8, 2024





City of Prospect Heights

Department of Building & Zoning
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
Office: 847/398-6070 x 211-FAX: 847/590-1854
www.prospect-heights.il.us

MEMORANDUM

Date: December 20, 2023
To: Mayor Ludvigsen and City Council
Cc: Joe Wade, City Administrator
From: Daniel A. Peterson, Director of Building & Development
Subject: ZBA Case No. #23-17SU - Special Use for a Sit Down Restaurant
1311 Unit A, N. Rand Road, Arlington Heights, IL – Vasco's Peri Peri

ISSUE: Consideration of an Ordinance #O-24-01 approving a Special Use Permit for a Sit Down Restaurant at 1313 Unit A, N. Rand Road, Arlington Heights, IL 60004

BACKGROUND:

The PZBA held public hearings on December 13, 2023 to hear ZBA Case #23-17SU, an application for a Special Use Permit to allow a sit down restaurant in the B2-A General Commercial Zoning District. Bhavin and Nikunj Patel, owners of the property and applicants presented their application and provided testimony as to the nature of the business and their plans for use of the vacant retail space. The applicants provided testimony that they plan to operate a sit down restaurant with a full service kitchen and seating for approximately 40 customers.. They are a new franchisee of Vasco's Peri Peri, serving Portuguese food with spicy chicken and with a focus on vegetarian and vegan dishes. Mr. Samir Ajmeri, owner of the Vasco's franchise testified that this will be the third franchise. The first is operating Schaumburg and the second is under construction. This site will be the third Voasco's Peri Peri. The owners testified that they will not be seeking a liquor license.

The Plan Zoning Board of Appeals voted 6-0 to recommend approval of the Special Use Permit. Staff concurs with the recommendation.

Applicants have requested a waiver of first reading. Staff concurs with the request.

RECOMMENDATION: Waive first reading and approve Ordinance #O-24-01 granting a Special Use Permit for a Sit Down Restaurant at 1313 Unit A, N. Rand Rd., Arlington Heights, IL.

From: [REDACTED]
To: [Dan Peterson](#)
Subject: Requesting Waiver of the First Reading
Date: Wednesday, December 20, 2023 7:23:22 PM

***** THIS IS AN EXTERNAL EMAIL, PLEASE EXERCISE CAUTION WITH LINKS

Hi Dan,

As our business proposal for the Peri Peri restaurant was approved with a 6-0 vote by the Board of building and zoning, we are kindly requesting a waiver of the first reading. We request the reading on January 8th be the second and final reading.

Thank you

--

Thank you
Bhavin Patel / Nikunj Patel
ShivomrealestateLLC
email: [REDACTED]@gmail.com
Cell - 224 [REDACTED] / 405 [REDACTED]



City of Prospect Heights

Department of Building & Zoning
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070
Office: 847/398-6070 x 211-FAX: 847/590-1854
www.prospect-heights.il.us

MEMORANDUM

Date: November 20, 2023

To: Maciej Kempa – Chairman
Plan/Zoning Board Commissioners

From: Daniel A. Peterson, Director of Building & Development

Subject: ZBA Case No. 23-17 SU – 1313 N. Rand Rd. Unit A, Arlington Heights
Special Use Permit for a sit down restaurant

Please be advised that a Special Use Permit is required for a sit down restaurant in the B-2A General Commercial District. The PZBA will conduct a Special Meeting to hold a public hearing on Wednesday December 13, 2023 to hear ZBA Case No. 23-17 SU.

The applicants, Bhavin and Nikunj Patel, Patel's Peri Peri, (Applicants) are the lease tenant of 1313 N. Rand Rd. Unit A. They are seeking approval for a sit down restaurant build out of an existing 2,160 ± sq. ft. vacant retail space. The parking classification per code is Class #16. Based upon the requirement for off-street parking, the restaurant would require 22 parking spaces. The existing parking lots in the front and rear of the property appear to be adequate to accommodate the required parking demand of the center.

The applicants have indicated that they will not be seeking a liquor license.

Thank you.



FOR OFFICE USE ONLY:
FEE PAID
DATE
RECV'D BY
CASE #
MEETING DATE

PLAN/ZONING BOARD OF APPEALS
APPLICATION

X Special use (\$400)
Variation (\$150)
Text Amendment (\$300)

Map Amendment (Refer to Ord. 0-03-18)
Subdivision/PUD (Refer to Ord. 0-03-18)
Lot Consolidation (Refer to Ord. 0-03-18)
Appearance Review

In addition to the application fee a refundable deposit not <\$500 nor >\$5,000 shall be required for all zoning applications to offset the direct costs of the application incurred by the City. If costs exceed the available escrow balance applicant will be required to replenish account. If balance remains the money will be refunded or applied to any building permit cost. (Refer to Ord. 0-18-06: 5-10-7(D))

APPLICANT: Patel's Periperi inc (Bhavin Patel & Nikunj Patel)
ADDRESS: 1313 E Rand road, Unit A
Arlington Heights, IL
PHONE: 224-595-4272 / 405-514-4562
E-MAIL: patelsperiperi@gmail.com

ADDRESS OF SUBJECT PROPERTY: 1313 E. Rand road, Unit A, Arlington Heights, IL

PROPERTY IS LOCATED IN THE B-2-A ZONING DISTRICT.

APPLICABLE SECTION OF ORDINANCE: 5-7-3 C

DESCRIPTION OF REQUEST: * Establish a Dine-in / carry out restaurant.

Are there any covenants, conditions, restrictions or floodplain issues concerning type of improvements, setbacks, area or height requirements, occupancy or use limitations, etc. placed on the property and now of record: YES NO X
If yes, please describe:

Has the property been the subject of previous or pending administrative legislative or court action:
YES NO X If yes, give details:

The follow items MUST be submitted at time of filing:

- 1. Application (12 copies)
2. Plat of Survey (12 copies) - must be drawn to scale and indicate the location of the proposed addition or construction and must contain the legal description of the property, along with additional information to support the application. (12 copies) *Note - please include one copy for file no longer than 11x17.
3. Proof of Ownership (1 copy)
4. Letter indicating Hardship (for variations only 12 copies)
5. Application Fee (cash or check made payable to: City of Prospect Heights)
6. Notice to Property Owners (1 copy) - will be supplied to you by the City of Prospect Heights.
7. List of Property Owners (1 copy) for Notice to Property Owners mailing - will be supplied to you by the City of Prospect Heights.

Date:

Signature of Applicant



Dear Prospect Heights Zoning and Building Department,

We are long term owners of the Rand Rd. Plaza which is located at 1307-1313 E. Rand Road, Arlington Heights and we are writing to formally request a hearing to discuss the establishment business named Vasco's Peri Peri within the city. We are eager to contribute to our vibrant community and believe that this restaurant will not only provide an exciting dining experience for our residents but also generate economic growth for our city. We have been diligently working to develop a comprehensive business plan including obtaining all permits and licenses required to successfully open and operate a restaurant in accordance with local regulations.

In light of this, we kindly request a hearing as early as possible to present our proposal and seek your feedback and obtain a special use permit. Your assistance in expediting this hearing would be greatly appreciated, as it allows us to move forward with our plans and, if granted a special use permit, contribute to culinary diversity and the economic growth of the city.

Thank you for your time and consideration. We look forward to the opportunity to discuss our proposal further.

Thank you,

Bhavin and Nikunj

0000 0.25 0.015

N.L.T.A. N.S. U.S. Land Title

Plat of Survey

100' 100' 100' 100' 100' 100' 100' 100' 100' 100'

100' 100'

13

14

15

RAND

ROAD

100' 100'



Date: 1-1-2



Nikunj Patel / Bhavin Patel
Owner / Member
Vasco's PeriPeri
1313 Unit A, N Rand Rd,
Arlington Heights, IL, 60004
Patelsperiperi@gmail.com
405-514-4562/224 595 4272
11/04/2023

Dear City of Prospect Heights Zoning and Building Department,

Subject: Proposal for Establishing Vasco's PeriPeri in Arlington Heights

I am writing to present a proposal for establishing Vasco's PeriPeri in our vibrant and diverse community of Prospect Heights. We believe that our business will not only contribute to the local economy but also bring numerous benefits to the community.

1) Job Creation:

Vasco's PeriPeri is committed to providing employment opportunities to the local community. With our upcoming location in Arlington Heights, we plan to hire 10 to 12 staff members, contributing to the reduction of unemployment rates and fostering economic development.

2) Health-Conscious Dining Options:

Our restaurant specializes in serving delicious Portuguese food with a focus on vegan, vegetarian, and chicken dishes, along with some lamb options. This will provide the community with healthier dining choices, catering to the increasing demand for nutritious and wholesome meals. Our unique selling point lies in our steamed grilled food concept, ensuring that our offerings are both flavorful and health conscious. Additionally, all our sauces are vegan, further aligning with the growing preference for plant-based options.

3) Strong Community Connection:

Having established a successful presence in the neighboring Schaumburg community, Vasco's PeriPeri is well-known and loved by the locals. We are passionate about building strong community connections and actively participate in village gatherings and district functions. Our aim is to not only do business but also give back to the community in various ways. We have supported non-profit local organizations through donations, committing a percentage of our sales to noble causes that positively impact the community.

4) Commitment to Social Responsibility:

At Vasco's PeriPeri, we deeply believe in social responsibility. We see the community as an extension of our family, and as such, we strive to make a meaningful difference. We have actively engaged in initiatives that promote social welfare, environmental sustainability, and support the growth and well-being of the local community.

We earnestly request the support and approval of the City Council for the establishment of Vasco's PeriPeri in Arlington Heights. We are confident that our presence will contribute not only to the economic landscape but also to the overall quality of life of the residents.

Thank you for considering our proposal. We would be grateful for an opportunity to discuss this further and address any questions or concerns you may have. We look forward to the possibility of working together in bringing Vasco's PeriPeri to our beloved community.

Bhavin/Nikunj

CHOOSE YOUR HEAT & GET READY TO EAT!



HOT EXTRA HOT DYNAMITE

SOMETHING TO SHARE

- FAR FAR** \$2.49
A sort of colorful, full-on, full-on, full-on chicken & chip and a chicken.
- WINGS** \$10.69
Flame-grilled and tossed with your choice of flavor. 16 wings.
- VASCO'S 'UNREAL WINGS'** \$10.69
Boneless meat-free wings locally fried and tossed with your choice of flavor. 15 wings. 1 x 2oz dip.
- HALLOUMI** \$5.99
Flame-grilled, chunky strips of naturally salty cheese. 4 pieces.
- PERI MOGO** \$5.99
Our famous coated flat cut kabobs, tossed in Vasco's seasoning.
- HUMMUS & PITA** \$5.99
Creamy red pepper hummus, served with toasted pita.
- PANEER** \$7.49
Flame-grilled Indian cottage cheese tossed with your choice of flavor. 15 strips.
- FALAFEL** \$5.99
Chickpeas in quantity, infused with herbs and spices. Served with your choice of flavor. 15 balls.

PLATTERS

- MINI** \$23.99
Hot chicken, 3 wings, 1 regular, size and 1 x 2oz dip.
- PRIME** \$38.99
1 Whole chicken, 2 large sides and 2 x 2oz dips.
- ULTIMATE** \$72.99
2 Whole chickens, 4 large sides and 4 x 2oz dips.
- BONELESS** \$40.99
4 tenders, 4 thirds, 2 large sides and 2 x 2oz dips.
- WING-IT** \$40.99
24 Wings, 2 large sides and 2 x 2oz dips.
- THE 'UNREAL'** \$40.99
24 Boneless meat-free wings, 4 large sides and 2 x 2oz dips.

PERI PERI CHICKEN

Our fresh chicken is marinated for 24 hours in our secret peri peri sauce and flame-grilled while you wait. This process allows us to ensure the quality and taste is perfect every time.

ON THE BONE

- LEG & THIGH** 1 x 2oz dip \$7.99
- TWO LEG & THIGHS** 1 x 2oz dip \$15.89
- BREAST & WING** 1 x 2oz dip \$8.99
- HALF CHICKEN** 1 x 2oz dip \$15.89
Upgrade to all white meat for an extra \$2.00
- WHOLE CHICKEN** 2 x 2oz dip \$28.99
Upgrade to all white meat for an extra \$4.00
- WINGS 3 | 6 | 12** 1 x 2oz dip \$5.69 | \$10.69 | \$17.99

BONELESS

- TENDERS 4 | 7** 1 x 2oz dip \$10.99 | \$16.99
- THIGHS** 1 x 2oz dip \$16.99
3 Boneless juicy chicken thighs for the dark meat lovers.

BURGERS, PITAS, & WRAPS

- BURGERS & PITAS**
- CLASSIC** \$10.49
Peri peri chicken, romaine lettuce, tomato and vasconase.
- STACKER** \$11.99
Peri peri chicken, romaine lettuce, vasco pickles and vasconase.
- SAMURAI** \$11.99
Peri peri chicken, romaine lettuce, tomato, red onion, samurai and garlic sauce.
- VASCO'S SIZZLER BURGER** \$11.99
Peri peri chicken, romaine lettuce, red onion, vasconase and Peri BBQ sauce.

WRAPS

- CLASSIC** \$10.99
Peri peri chicken, romaine lettuce, tomato and vasconase.
- SAMURAI** \$11.99
Peri peri chicken, romaine lettuce, tomato, red onion, samurai and garlic sauce.
- THE ROLL** \$11.99
Peri peri chicken, vasco's rice, red onions, chili and garlic sauce.

Upgrade up on your chicken for an extra \$6.49 and add double cheese for only an extra \$1.00. Add 1 regular side for \$3.99 or 2 for \$7.99.

BOWLS

- CHICK N RICE** \$13.99
Peri peri chicken and Vasco's rice. Accompanied with 1 2oz dip of your choice.
- CHICK SALAD** \$13.99
Peri peri chicken served with 1 2oz dip of your choice.

VEGGIE STATION

- VEG N RICE** \$12.99
Choose your rice and get ready to eat! Either paneer or falafel and vasco rice. Accompanied with 1 2oz dip of your choice.
- VASCONIC HOUSE SALAD** \$9.99
Romaine lettuce with tomatoes, sweet corn, red onion and onions served with 1 2oz dip of your choice.
Add paneer or falafel for \$4.99 each.
- VASCO'S 'UNREAL WINGS'** \$5.69 | 10.69 | 17.99
1 x 2oz dip

Add 1 regular side for \$3.99 or 2 for \$7.99.

VEGGIE BURGERS & PITAS

- VEG CLASSIC** \$10.49
Chickpea bean patty or falafel on potato, romaine lettuce, tomato and vasconase.
- VEG STACKER** \$11.99
Chickpea bean patty or falafel on potato, romaine lettuce, vasco pickles and vasconase.
- VEG SAMURAI** \$11.99
Chickpea bean patty or falafel on potato, romaine lettuce, tomato, red onion, samurai and garlic sauce.
- VASCO'S SIZZLER BURGER** \$11.99
Chickpea bean patty or falafel or paneer, romaine lettuce, red onion, vasconase and Peri BBQ sauce.
- THE 'IMPOSSIBLE BURGER'** \$13.99
Plant based seasoned patty in your choice of flavor in a buttery brioche bun, topped with romaine lettuce, tomato, red onions, pickles, sriracha and garlic sauce.

Upgrade up on your chicken for an extra \$6.49 and add double cheese for only an extra \$1.00. Add 1 regular side for \$3.99 or 2 for \$7.99.

VEGGIE WRAPS

- VEG CLASSIC** \$10.99
Chickpea bean patty or falafel or paneer, romaine lettuce, tomato and vasconase.
- VEG SAMURAI** \$11.99
Chickpea bean patty or falafel or paneer, romaine lettuce, tomato, red onion, samurai and garlic sauce.
- VEG ROLL** \$11.99
Plant or spinach wrap, chickpea bean patty or falafel or paneer, Vasco's rice, red onions, chili and garlic sauce.

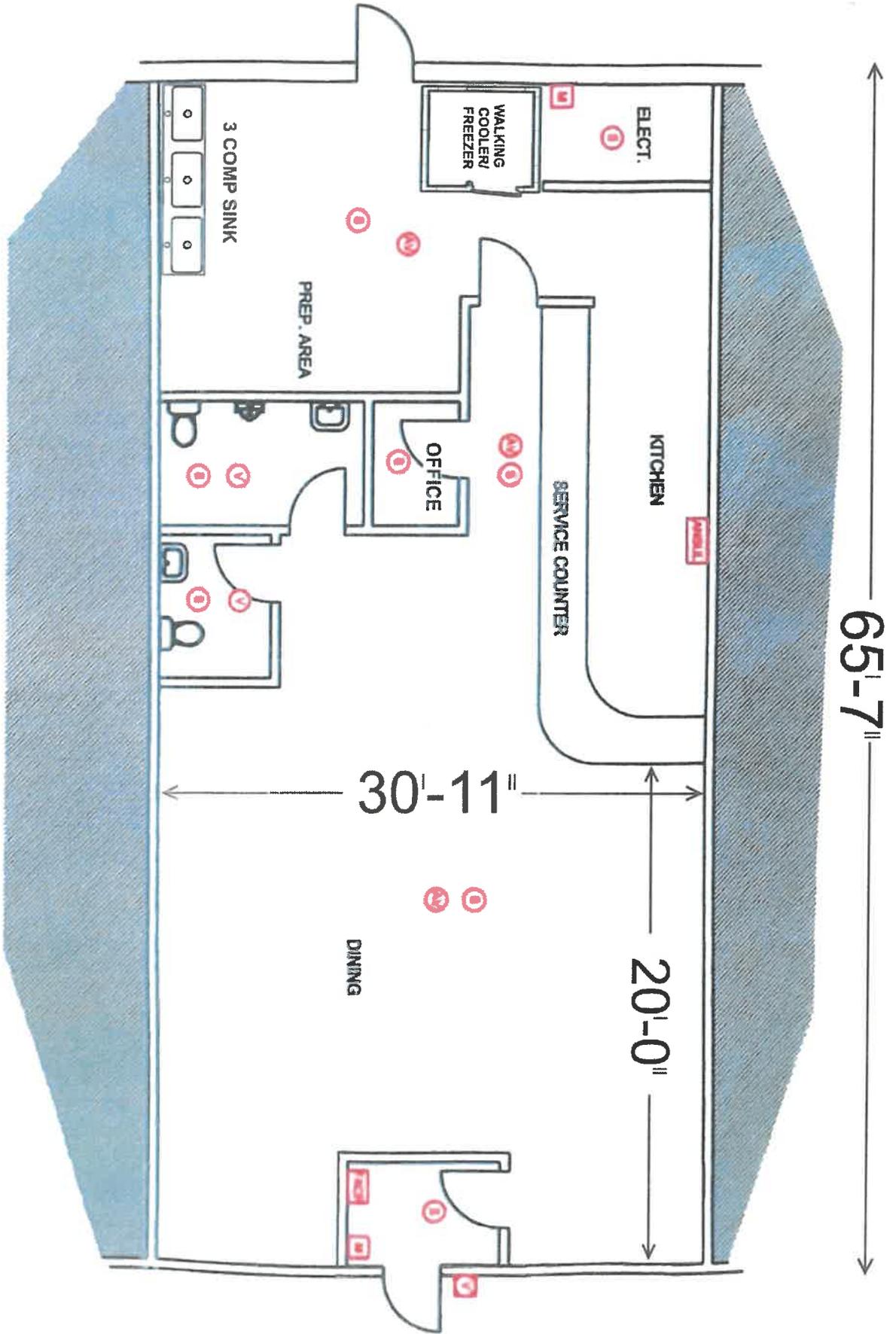
SIDES

- Regular \$3.99 | Large \$5.99**
Add Vasco's seasoning to your fries. Sweet potato fries and Corn cob for an extra .25¢.
- FRIES | SWEET POTATO FRIES**
- VASCO'S RICE | PERI MOGO | VASCLAN**
- GARLIC BREAD | VASCOEN | CORN COB**
- MIXED STEAMED VEGETABLES**
- RED SKINNED POTATO SALAD**
- TOASTED PITA**

EXHIBIT
8
23-17511







RAND

EQUIPMENT

1. 5 Fit Grill
2. 2 X 2 Freestanding Two Drawer Warmer (Hatco HDW-2)
3. 24 Inch X 31 Inch Steel Counter Table
4. 12 Inch X 40 Inch Prep Station Cooler
5. 32 Inch X 18 Inch Only, Steel Stand For Fries
6. Fries Warmer Electric 21 inch X 13 Inch
7. 32 X 32 Fryer (Pitco)
8. Steamer Rational 10 Plate Full
9. Cooler 10 X 10 (NORLAKE)
10. Freezer 10 X 10 (NORLAKE)
11. Toaster
12. Microwave
13. Rice Warmer
14. 2 Small Fridge
15. 48 Inch X 31 Inch 2 Table For Serving & Packing
16. 27 inch 29 1/2 Freezer Serving Station



Zoning Review

Date: November 20, 2023
Reviewer: Daniel A. Peterson, Director of Building & Development
Applicant: City of Prospect Heights
Subject Property: 1313 N. Rand Rd. Unit A, Arlington Heights, IL 60004
Application: ZBA 23-17 SU
Special Use Permit for Sit Down Restaurant in the B-2A General Commercial District
Project: Bhavin & Nikunj Patel, Patel's Peri Peri Inc. dba: Vasco's Peri Peri

Documents Reviewed:

- A. Application prepared by Bhavin & Nikunj Patel, Patel's Peri Peri Inc.
- B. Plat of Survey dated 8/22/2018
- C. Business Plan, menu, floor, plan, equipment list and photos prepared by Applicant

Applicable Zoning Code Sections: Special Uses: 5-10-9 and 5-7-3 C

Current Zoning: B-2A
Proposed: B-2A

Current Use: Vacant Retail Space
Proposed: Sit Down Restaurant
Unit Area ±: 2,160 ± sq. ft.

Parking: Class 16. Ten (10) spaces per 1,000 sf. - Twenty- two (22) spaces required.

5-10-9: SPECIAL USES:

A. Authorization: The locations, construction, extension, or structural alteration of any use for which a special use permit is required pursuant to the provisions of this title may be authorized by a permit issued by the corporate authorities, subject to the standards set forth herein, and such conditions as may be imposed pursuant to this chapter. Prior to such authorization, a public hearing shall be held and a published notice shall be given, in the manner prescribed for amendments by this title.

B. Application For Special Use: Any person owning or having interest in the subject property may file an application to use such land for one or more of the special uses provided for in this title in the zoning district in which the land is situated.

Response: The applicants, Bhavin & Nikunj Patel, Patel's Peri Peri Inc. have a lease interest in the space and have the right to apply for the Special Use Permit. They also own the building.

C. Notice Of Hearing: The same procedure for notice of hearing as required for variations (subsection 5-10-8D of this chapter) shall be followed for special use. (Ord. 0-77-27, 7-18-1977)

Response: Notice was published and has met the notice requirements.

D. Notice To Property Owners: The petitioner for a special use permit shall notify all property owners within three hundred fifty feet (350'), excluding public land and rights of way, but in no event more than four hundred fifty feet (450'), in each direction of the petitioner's property lines, by certified mail or individual notice executed by said property owners, of the date, hour and location of the public hearing and the special use requested. Such notice shall be in the same form as the published public notice and shall be mailed or delivered and executed not less than fifteen (15) and not more than thirty (30) days prior to the date of the public hearing. The owners to be notified are such persons or entities which appear in the authentic tax records of Cook County. Proof of notification shall be submitted by the petitioner to the plan/zoning board of appeals no later than the day of the public hearing. (Ord. 0-06-35, 8-21-2006)

Response: Notice has been mailed to the property owners with three hundred fifty (350') of the subject property as required. Certified mail white receipts proof of mailing received from applicant.

E. Standards: No special use shall be recommended by the plan/zoning board of appeals unless said board shall find: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Response: The applicant is proposing a open sit down restaurant serving Portuguese food serving a vegan, vegetarian and lamb options. See business plan and exhibits that includes the proposed floor plan and menu. The restaurant will staff 10 – 12 employees.

2. That the special use will not be injurious to the use and enjoyment of other property in the community for the purposes already permitted, nor diminish and impair property values within the community.

Response: A special use for a sit down restaurant is consistent with similar restaurants in the B-2A General Commercial District and will not diminish or impair property values with the community.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Response: The proposed special use is consistent with a special use on the lot and is in keeping with the City's master plan.

4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Response: The special use is for an existing vacant space and all improvements are currently provided. Applicants will complete a full remodel with commercial kitchen equipment.

5. That adequate measures have been or will be taken to provide ingress or egress so designed to minimize traffic congestion in the public streets. (Ord. 0-77-27, 7-18-1977)

Response: Complies. There is adequate space on the property to accommodate the parking needs of the proposed restaurant and the existing uses on the property. The parking lot is in need of maintenance and striping. Parking stalls shall be clearly striped and number and location of accessible parking spaces shall be identified and signed with a \$250.00 fine. Separate permit will be required for the parking lot maintenance.

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the plan/zoning board of appeals. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

Response: The special use application conforms to the applicable regulations of the B-2A General Commercial District.

7. That the area described in the petition does not lie wholly or partly in floodplain, as defined by the flood control ordinances of the city; or, if it does lie wholly or partly within the floodplain, that adequate provisions for storage, runoff control and floodwater retention, as appropriate, have been made.

Response: The property does not lie within a floodplain.

F. Conditions And Standards: Prior to granting any special use, the board may recommend, and the city council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. (Ord. 0-77-27, 7-18-1977)

Conclusion:

The application meets the standards of a special use for as a sit down restaurant. The applicant is not seeking a liquor license.

Staff supports the request.



Zoning Review

Date: November 20, 2023
Reviewer: Daniel A. Peterson, Director of Building & Development
Applicant: City of Prospect Heights
Subject Property: 1313 N. Rand Rd. Unit A, Arlington Heights, IL 60004
Application: ZBA 23-17 SU
Special Use Permit for Sit Down Restaurant in the B-2A General Commercial District
Project: Bhavin & Nikunj Patel, Patel's Peri Peri Inc. dba: Vasco's Peri Peri

Documents Reviewed:

- A. Application prepared by Bhavin & Nikunj Patel, Patel's Peri Peri Inc.
- B. Plat of Survey dated 8/22/2018
- C. Business Plan, menu, floor, plan, equipment list and photos prepared by Applicant

Applicable Zoning Code Sections: Special Uses: 5-10-9 and 5-7-3 C

Current Zoning: B-2A
Proposed: B-2A
Current Use: Vacant Retail Space
Proposed: Sit Down Restaurant
Unit Area ±: 2,160 ± sq. ft.
Parking: Class 16. Ten (10) spaces per 1,000 sf. - Twenty- two (22) spaces required.

5-10-9: SPECIAL USES:

A. Authorization: The locations, construction, extension, or structural alteration of any use for which a special use permit is required pursuant to the provisions of this title may be authorized by a permit issued by the corporate authorities, subject to the standards set forth herein, and such conditions as may be imposed pursuant to this chapter. Prior to such authorization, a public hearing shall be held and a published notice shall be given, in the manner prescribed for amendments by this title.

B. Application For Special Use: Any person owning or having interest in the subject property may file an application to use such land for one or more of the special uses provided for in this title in the zoning district in which the land is situated.

Response: The applicants, Bhavin & Nikunj Patel, Patel's Peri Peri Inc. have a lease interest in the space and have the right to apply for the Special Use Permit. They also own the building.

C. Notice Of Hearing: The same procedure for notice of hearing as required for variations (subsection 5-10-8D of this chapter) shall be followed for special use. (Ord. 0-77-27, 7-18-1977)

Response: Notice was published and has met the notice requirements.

D. Notice To Property Owners: The petitioner for a special use permit shall notify all property owners within three hundred fifty feet (350'), excluding public land and rights of way, but in no event more than four hundred fifty feet (450'), in each direction of the petitioner's property lines, by certified mail or individual notice executed by said property owners, of the date, hour and location of the public hearing and the special use requested. Such notice shall be in the same form as the published public notice and shall be mailed or delivered and executed not less than fifteen (15) and not more than thirty (30) days prior to the date of the public hearing. The owners to be notified are such persons or entities which appear in the authentic tax records of Cook County. Proof of notification shall be submitted by the petitioner to the plan/zoning board of appeals no later than the day of the public hearing. (Ord. 0-06-35, 8-21-2006)

Response: Notice has been mailed to the property owners with three hundred fifty (350') of the subject property as required. Certified mail white receipts proof of mailing received from applicant.

E. Standards: No special use shall be recommended by the plan/zoning board of appeals unless said board shall find: (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

1. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Response: The applicant is proposing a open sit down restaurant serving Portuguese food serving a vegan, vegetarian and lamb options. See business plan and exhibits that includes the proposed floor plan and menu. The restaurant will staff 10 – 12 employees.

2. That the special use will not be injurious to the use and enjoyment of other property in the community for the purposes already permitted, nor diminish and impair property values within the community.

Response: A special use for a sit down restaurant is consistent with similar restaurants in the B-2A General Commercial District and will not diminish or impair property values with the community.

3. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Response: The proposed special use is consistent with a special use on the lot and is in keeping with the City's master plan.

4. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.

Response: The special use is for an existing vacant space and all improvements are currently provided. Applicants will complete a full remodel with commercial kitchen equipment.

5. That adequate measures have been or will be taken to provide ingress or egress so designed to minimize traffic congestion in the public streets. (Ord. 0-77-27, 7-18-1977)

Response: Complies. There is adequate space on the property to accommodate the parking needs of the proposed restaurant and the existing uses on the property. The parking lot is in need of maintenance and striping. Parking stalls shall be clearly striped and number and location of accessible parking spaces shall be identified and signed with a \$250.00 fine. Separate permit will be required for the parking lot maintenance.

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of the plan/zoning board of appeals. (Ord. 0-77-27, 7-18-1977; amd. Ord. 0-03-35, 9-15-2003)

Response: The special use application conforms to the applicable regulations of the B-2A General Commercial District.

7. That the area described in the petition does not lie wholly or partly in floodplain, as defined by the flood control ordinances of the city; or, if it does lie wholly or partly within the floodplain, that adequate provisions for storage, runoff control and floodwater retention, as appropriate, have been made.

Response: The property does not lie within a floodplain.

F. Conditions And Standards: Prior to granting any special use, the board may recommend, and the city council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special use as deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified herein, or as may be from time to time required. (Ord. 0-77-27, 7-18-1977)

Conclusion:

The application meets the standards of a special use for as a sit down restaurant. The applicant is not seeking a liquor license.

Staff supports the request.

