

# UNOFFICIAL COPY 00980374

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Cook County Recorder 83.00

ORDINANCE NO. 00-44



AN ORDINANCE AMENDING ORDINANCE NO. 94-50,  
GRANTING SPECIAL PERMITS FOR A PLANNED DEVELOPMENT,  
ELEMENTARY AND SECONDARY SCHOOL, SOCIAL SERVICES,  
INDIVIDUAL AND FAMILY SOCIAL SERVICES, JOB TRAINING AND VOCATIONAL  
REHABILITATION SERVICES, AND CHILD DAY CARE SERVICES  
AT 255 AND 300 REVERE DRIVE

(BERNARD WEINGER JEWISH COMMUNITY CENTER AND  
ELAINE KERSTEN CHILDREN'S CENTER)  
(PLAN COMMISSION DOCKET NO. 00-16)

Passed by the Board of Trustees, August 22, 2000

Printed and Published, August 23, 2000

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

I hereby certify that this document  
was properly published on the date  
stated above.

**BOX 337**

/s/ Lona N. Louis  
Village Clerk

I hereby certify this to be a true and exact copy of the  
original.

12/7/00  
Date

Lona N. Louis  
Village Clerk

# UNOFFICIAL COPY

00980374

ORDINANCE NO. 00-44

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

AN ORDINANCE AMENDING ORDINANCE NO. 94-50,  
GRANTING SPECIAL PERMITS FOR A PLANNED DEVELOPMENT,  
ELEMENTARY AND SECONDARY SCHOOL, SOCIAL SERVICES,  
INDIVIDUAL AND FAMILY SOCIAL SERVICES, JOB TRAINING AND VOCATIONAL  
REHABILITATION SERVICES, AND CHILD DAY CARE SERVICES  
AT 255 AND 300 REVERE DRIVE

(BERNARD WEINGER JEWISH COMMUNITY CENTER AND  
ELAINE KERSTEN CHILDREN'S CENTER)  
(PLAN COMMISSION DOCKET NO. 00-16)

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

JFMC Facilities Corporation, an Illinois not-for-profit corporation ("Facilities Corporation"), is the legal owner of approximately 12.77 acres of land commonly known as 300 Revere Drive which is legally described in Exhibit A attached to and by this reference made a part of this Ordinance ("300 Revere Property"). 255 Revere Drive Limited Partnership, an Illinois limited partnership ("Partnership"), is the legal owner of approximately 2.25 acres of land commonly known as 255 Revere Drive which is legally described in Exhibit A ("255 Revere Property"). Both the 255 Revere Property and 300 Revere Property (both sometimes collectively referred to as "Property" or "Subject Property") were located within the I-1 Restricted Industrial District. Both the Facilities Corporation and the Partnership are majority owned and controlled by the Jewish Federation of Metropolitan Chicago ("Federation"), and the Facilities Corporation, the Partnership and the Federation are sometimes collectively referred to in this Ordinance and its Exhibits as the "Applicant."

Pursuant to Village of Northbrook Ordinance No. 94-50, the Facilities Corporation has constructed a portion of its Bernard Weinger Jewish Community Center ("JCC") facility on the 300 Revere Property. The Federation operates an array of recreational activities, senior citizen classes and activities and child day-care services on the 300 Revere Property. The Federation also operates various child-oriented social service and training programs at the Elaine Kersten Children's Center ("Kersten Center") facility on the 255 Revere Property.

The Applicant desires to combine its programs at the 255 Revere Property and 300 Revere Property into one campus setting and has requested zoning relief therefor, including: (i) that the Property be rezoned from I-1 Restricted Industrial District to the IB Institutional Buildings District; (ii) special permit for a planned development; and (iii) special permits for the operations of various educational and social service programs on the 255 Revere Property. By Ordinance No. 00-43, the Village of Northbrook ("Village") approved the rezoning of the Property to the IB Institutional Buildings District.

Section 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 255 and 300 Revere Drive, and is legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance. The Property is located in the IB Institutional Buildings District pursuant to Ordinance No. 00-43.

Section 3. PUBLIC HEARING.

A public hearing to consider the subject application for a rezoning and special permits was duly advertised on May 18, 2000 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on June 6, 2000, with a formal recommendation being rendered during the Plan Commission's regular meeting on June 20, 2000 (Plan Commission Resolution No. 00-PC-15).

Section 4. AMENDMENT OF THE SUBJECT PROPERTY.

Section 2 of Ordinance No. 94-50 is hereby amended to read as follows [additions are **bold and underlined**; deletions are ~~overstruck~~]:

The Subject Property is located at **255 and 300 Revere Drive** (PREI Nos. **04-02-101-015-0000**, ~~04-02-109-015-0000, 04-02-109-016-0000, 04-02-109-017-0000,~~ and ~~04-02-109-018-0000~~ **04-02-109-019-0000**), and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance.

In addition, Exhibit A to this Ordinance legally describes the Subject Property.

Section 5. AMENDMENTS OF SPECIAL PERMITS.

Section 4 of Ordinance No. 94-50 is hereby amended to read as follows [additions are **bold and underlined**; deletions are ~~overstruck~~].

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 5 of this Ordinance **No. 94-50, as amended, the following special permits are hereby granted to the Applicant in accordance with and pursuant to Sections 11-602 and 11-603 of the Northbrook Zoning Code (1988), as amended from time to time and the home rule powers of the Village of Northbrook:**

A. Planned Development for the Property. A special permit to allow the Property to be a planned development (Village of Northbrook SIC No. 9820.00).

B. 255 Revere Property. Special permits to allow operation of (i) an Elementary and Secondary School (Village SIC No. 8210.00); (ii) various Individual and Family Social Services (Village SIC Nos. 8300.01 and 8322.01); (iii) Job Training and Vocational Rehabilitation Services (Village SIC No. 8330.00); and (iv) Child Day Care Services (Village SIC No. 8351.00).

C. 300 Revere Property. Special permits to allow operation of a Membership Sports and Recreation Club (Village SIC Code No. 7997.00), Child Day Care Services (Village SIC Code No. 8351.00) and Landbanking of

Required Parking (Village SIC Code No. 9830.00) on the 300 Revere Subject Property. ~~are hereby granted to the Applicant in accordance with and pursuant to Section 11 602 of the Northbrook Zoning Code (1988), as amended from time to time, and the home rule powers of the Village of Northbrook.~~

Section 6. AMENDMENTS OF SPECIAL PERMIT CONDITIONS.

Section 5 of Ordinance No. 94-50 is hereby amended in the following respects [additions are **bold and underlined**; deletions are ~~overstruck~~]:

A. Storm Water Drainage. Paragraph 5G.ii is hereby amended to read as follows:

- ii. Complete Facilities in Phase I. As a part of the construction of Phase I, the Applicant shall construct and install complete in place, all storm water detention and drainage facilities necessary, as shown in the Final Engineering Plans, for the improvements shown as part of the complete development of both Phase I and II, including, without limitation, the landbanked parking spaces. **The Applicant shall continuously maintain all storm water detention and drainage facilities on the Subject Property in a first rate manner.**

B. Child Day Care Services. Paragraph 5J.i is hereby amended to read as follows:

- i. Licenses and Permits. The Applicant shall obtain and maintain all state and local licenses and permits required for the legal operation of Child Day Care Services on the ~~Subject~~ **255 Revere Property and 300 Revere Property.**

C. Additional Conditions. The following additional subsections are hereby added to Section 5:

**L. Safety Improvements. The Applicant, in a manner satisfactory to the Village's Fire Department, shall complete the following safety improvements to the playground area adjacent to the fire lanes:**

- i. removal of solid fencing;**
- ii. installation of a locking gate that swings into the adjacent fire lanes;**
- iii. installation of appropriate signs to warn vehicles of children's cross walk; and**
- iv. painting full expanse and width of children's cross walk with reflective paint.**

**M. The North Shore Academy.**

i. The North Shore Academy shall only be operated on the 255 Revere Property.

ii. Enrollment in the North Shore Academy shall be limited to kindergarten through sixth grades and shall not exceed 30 children at any one time.

iii. In addition to the operators allowed by Subsection 5K of this Ordinance, the North Shore Academy may also be operated by the North Suburban Special Education District.

N. Early Childhood Program.

i. The Early Childhood Program shall only be operated on the 255 Revere Property.

ii. Enrollment in the Early Childhood Program shall be limited to children from birth to three years of age.

Section 7. COVENANT AMENDMENT APPROVAL.

Subject to and contingent upon the conditions, restrictions and provisions set forth Section 6 of this Ordinance, as well as approval by the Village Attorney, the Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant is hereby approved in form and substance conforming to Exhibit B, attached to and made a part of this Ordinance by this reference, pursuant to the terms of the Restrictive Covenant on the Property to which the Village is a party, and the home rule powers of the Village. The Village President and Village Clerk are hereby authorized to sign and seal said Fourth Amendment on behalf of the Village following execution thereof by all other parties.

Section 8. FAILURE TO COMPLY WITH CONDITIONS.

Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the rezoning to the IB Institutional Buildings District granted in Ordinance No. 00-43, the special permits granted in Section 5 and the Covenant Amendment Approval in Section 7 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the rezoning, special permits and covenant amendment approval unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the IB Institutional Buildings District, as the same may, from time to time, be amended, unless such rezoning is revoked, in which case the use of the Property shall be governed solely by the regulations of the I-1 Restricted Industrial District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permits and covenant amendment approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant

acknowledges that public notices have been given and public 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 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 to the Applicant required by this Section is given.

Section 9. AMENDMENT TO SPECIAL PERMIT.

Any amendment to the special permits granted in Section 5 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Code.

Section 10. INTERRELATIONSHIP WITH ORDINANCE NO. 94-50.

Except as amended by this Ordinance, the terms, conditions, restrictions, and obligations set forth in Ordinance No. 94-50 shall remain in full force and effect.

Section 11. BINDING EFFECT; NON-TRANSFERABILITY.

The privileges, obligations, and provisions of each and every Section of this Ordinance, are for the sole benefit of, and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Applicant.

Section 12. EFFECTIVE DATE.

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- ii. publication in pamphlet form in the manner required by law;
- iii. the filing by the Applicant with the Village Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be executed by the Applicant and the Owner and shall be in the form of Exhibit C, attached to and made a part of this Ordinance by this reference;
- iv. the submission to the Village Clerk of title documents showing the Applicant's ownership interests in the Property; and
- v. recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 12.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the corporate authorities, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 22nd day of August, 2000.

AYES: (7) Trustees Jaeger, Frum, Karagianis, Buehler,  
Donewald and Meek and President Damisch

NAYS: (0)

ABSENT: (0)

ABSTAIN: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk

## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

255 Revere Property: Lot 2 in Northbrook Court Office Plaza, being a subdivision of part of the Northwest quarter of Section 2, Township 42 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

300 Revere Property: Lots 1, 2, 3 and 4 in Revere's Resubdivision of Lot 1 in Northbrook Court Office Plaza, being a subdivision of part of the Northwest quarter of Section 2, Township 42 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Both parcels are commonly known as 255 and 300 Revere Drive respectively, and are in Northbrook, Illinois.

255 Revere Drive P.R.E.I. No.: 04-02-101-015

300 Revere Drive P.R.E.I. No.: 04-02-109-019



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**EXHIBIT B**

**Fourth Amendment to the  
Declaration of Covenants, Conditions and Restrictions  
and Restrictive Covenant**

On file in the office of the Village Clerk, 1225 Cedar Lane,  
Northbrook, Illinois

Property of Cook County Clerk's Office

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EXHIBIT C

00980374

## Applicant's Unconditional Agreement and Consent

TO: The Village of Northbrook, Illinois ("Village"):

WHEREAS, JFMC Facilities Corporation, an Illinois not-for-profit corporation ("Facilities Corporation"), is the legal owner of approximately 12.77 acres of land commonly known as 300 Revere Drive; and

WHEREAS, 255 Revere Drive Limited Partnership, an Illinois limited partnership ("Partnership"), is the legal owner of approximately 2.25 acres of land commonly known as 255 Revere Drive; and

WHEREAS, both the Facilities Corporation and the Partnership are majority owned and controlled by the Jewish Federation of Metropolitan Chicago ("Federation"); and

WHEREAS, the Facilities Corporation, the Partnership and the Federation are collectively referred to as the "Applicant"; and

WHEREAS, the Applicant has applied for special permits to allow for the operation of various educational, individual and family social services activities, and a planned development on the Property ("Requested Relief"); and

WHEREAS, certain sections of Ordinance No. 94-50, approved by the Village Board of Trustees on November 8, 1994, were required to be amended ("Amendments") in connection with the Requested Relief for the Property; and

WHEREAS, Ordinance No. 00-44, adopted by the President and Board of Trustees of the Village of Northbrook on the 22nd day of August, 2000 ("Ordinance"), grants the Requested Relief and Amendments, subject to certain conditions; and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions and limitations set forth in said Ordinances;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant shall and does hereby unconditionally agree to, accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of Ordinance No. 00-44, as well as those in Ordinance No. 94-50.
2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
3. The Applicant acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of Ordinance No. 00-44, has considered

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the possibility of revocation provided for in the Ordinances, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right.

4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village 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 Village's review and approval of 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 Property, and (d) the performance by the Applicant of his obligations under this Unconditional Agreement and Consent.

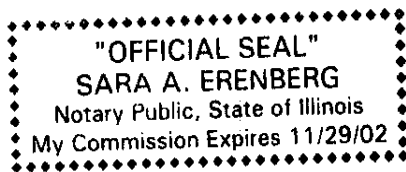
5. The Applicant shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.

JEWISH FEDERATION OF  
METROPOLITAN CHICAGO

By: *[Signature]*

SUBSCRIBED and SWORN to  
before me this 20th day of  
November, 2000.

*Sara A. Erenberg*  
Notary Public



JFMC FACILITIES CORPORATION

By: *[Signature]* EXECUTIVE DIRECTOR

SUBSCRIBED and SWORN to  
before me this 20th day of  
November, 2000.

*Sara A. Erenberg*  
Notary Public

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255 REVERE DRIVE LIMITED  
PARTNERSHIP

By: Richard John Kast ~~Executive Director~~  
OF GENERAL PARTNOR

SUBSCRIBED and SWORN to  
before me this 20th day of  
November, 2000.

Sara A. Erenberg  
Notary Public

"OFFICIAL SEAL"  
SARA A. ERENBERG  
Notary Public, State of Illinois  
My Commission Expires 11/29/02

Cook County Clerk's Office

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ORDINANCE NO. 00-44

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AN ORDINANCE AMENDING ORDINANCE NO. 94-50,  
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AT 255 AND 300 REVERE DRIVE

(BERNARD WEINGER JEWISH COMMUNITY CENTER AND  
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Passed by the Board of Trustees, August 22, 2000

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/s/ Lona N. Louis  
Village Clerk

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12/7/00 Lona N. Louis  
Date Village Clerk

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ORDINANCE NO. 00-44

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AT 255 AND 300 REVERE DRIVE

(BERNARD WEINGER JEWISH COMMUNITY CENTER AND  
ELAINE KERSTEN CHILDREN'S CENTER)  
(PLAN COMMISSION DOCKET NO. 00-16)

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

JFMC Facilities Corporation, an Illinois not-for-profit corporation ("Facilities Corporation"), is the legal owner of approximately 12.77 acres of land commonly known as 300 Revere Drive which is legally described in Exhibit A attached to and by this reference made a part of this Ordinance ("300 Revere Property"). 255 Revere Drive Limited Partnership, an Illinois limited partnership ("Partnership"), is the legal owner of approximately 2.25 acres of land commonly known as 255 Revere Drive which is legally described in Exhibit A ("255 Revere Property"). Both the 255 Revere Property and 300 Revere Property (both sometimes collectively referred to as "Property" or "Subject Property") were located within the I-1 Restricted Industrial District. Both the Facilities Corporation and the Partnership are majority owned and controlled by the Jewish Federation of Metropolitan Chicago ("Federation"), and the Facilities Corporation, the Partnership and the Federation are sometimes collectively referred to in this Ordinance and its Exhibits as the "Applicant."

Pursuant to Village of Northbrook Ordinance No. 94-50, the Facilities Corporation has constructed a portion of its Bernard Weinger Jewish Community Center ("JCC") facility on the 300 Revere Property. The Federation operates an array of recreational activities, senior citizen classes and activities and child day-care services on the 300 Revere Property. The Federation also operates various child-oriented social service and training programs at the Elaine Kersten Children's Center ("Kersten Center") facility on the 255 Revere Property.

The Applicant desires to combine its programs at the 255 Revere Property and 300 Revere Property into one campus setting and has requested zoning relief therefor, including: (i) that the Property be rezoned from I-1 Restricted Industrial District to the IB Institutional Buildings District; (ii) special permit for a planned development; and (iii) special permits for the operations of various educational and social service programs on the 255 Revere Property. By Ordinance No. 00-43, the Village of Northbrook ("Village") approved the rezoning of the Property to the IB Institutional Buildings District.

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## Section 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 255 and 300 Revere Drive, and is legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance. The Property is located in the IB Institutional Buildings District pursuant to Ordinance No. 00-43.

## Section 3. PUBLIC HEARING.

A public hearing to consider the subject application for a rezoning and special permits was duly advertised on May 18, 2000 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on June 6, 2000, with a formal recommendation being rendered during the Plan Commission's regular meeting on June 20, 2000 (Plan Commission Resolution No. 00-PC 15).

## Section 4. AMENDMENT OF THE SUBJECT PROPERTY.

Section 2 of Ordinance No. 94-50 is hereby amended to read as follows [additions are **bold and underlined**; deletions are ~~overstruck~~]:

The Subject Property is located at **255 and** 300 Revere Drive (PREI Nos. **04-02-101-015-0000**, ~~04-02-109-015-0000~~, ~~04-02-109-016-0000~~, ~~04-02-109-017-0000~~, and ~~04-02-109-018-0000~~ ~~04-02-109-019-0000~~), and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance.

In addition, Exhibit A to this Ordinance legally describes the Subject Property.

## Section 5. AMENDMENTS OF SPECIAL PERMITS.

Section 4 of Ordinance No. 94-50 is hereby amended to read as follows [additions are **bold and underlined**; deletions are ~~overstruck~~]:

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 5 of this Ordinance ~~No. 94-50~~, **as amended, the following special permits are hereby granted to the Applicant in accordance with and pursuant to Sections 11-602 and 11-603 of the Northbrook Zoning Code (1988), as amended from time to time, and the home rule powers of the Village of Northbrook:**

A. Planned Development for the Property. A special permit to allow the Property to be a planned development (Village of Northbrook SIC No. 9820.00).

B. 255 Revere Property. Special permits to allow operation of (i) an Elementary and Secondary School (Village SIC No. 8210.00); (ii) various Individual and Family Social Services (Village SIC Nos. 8300.01 and 8322.01); (iii) Job Training and Vocational Rehabilitation Services (Village SIC No. 8330.00); and (iv) Child Day Care Services (Village SIC No. 8351.00).

C. 300 Revere Property. Special permits to allow operation of a Membership Sports and Recreation Club (Village SIC Code No. 7997.00), Child Day Care Services (Village SIC Code No. 8351.00) and Landbanking of

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Required Parking (Village SIC Code No. 9830.00) on the 300 Revere Subject Property. ~~are hereby granted to the Applicant in accordance with and pursuant to Section 11 602 of the Northbrook Zoning Code (1988), as amended from time to time, and the home rule powers of the Village of Northbrook.~~

## Section 6. AMENDMENTS OF SPECIAL PERMIT CONDITIONS.

Section 5 of Ordinance No. 94-50 is hereby amended in the following respects [additions are **bold and underlined**; deletions are ~~overstruck~~]:

A. Storm Water Drainage. Paragraph 5G.ii is hereby amended to read as follows:

- ii. Complete Facilities in Phase I. As a part of the construction of Phase I, the Applicant shall construct and install complete in place, all storm water detention and drainage facilities necessary, as shown in the Final Engineering Plans, for the improvements shown as part of the complete development of both Phase I and II, including, without limitation, the landbanked parking spaces. **The Applicant shall continuously maintain all storm water detention and drainage facilities on the Subject Property in a first rate manner.**

B. Child Day Care Services. Paragraph 5J.i is hereby amended to read as follows:

- i. Licenses and Permits. The Applicant shall obtain and maintain all state and local licenses and permits required for the legal operation of Child Day Care Services on the ~~Subject~~ **255 Revere Property and 300 Revere Property.**

C. Additional Conditions. The following additional subsections are hereby added to Section 5:

**L. Safety Improvements.** **The Applicant, in a manner satisfactory to the Village's Fire Department, shall complete the following safety improvements to the playground area adjacent to the fire lanes:**

- i. **removal of solid fencing;**
- ii. **installation of a locking gate that swings into the adjacent fire lanes;**
- iii. **installation of appropriate signs to warn vehicles of children's cross walk; and**
- iv. **painting full expanse and width of children's cross walk with reflective paint.**

**M. The North Shore Academy.**



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- i. The North Shore Academy shall only be operated on the 255 Revere Property.
- ii. Enrollment in the North Shore Academy shall be limited to kindergarten through sixth grades and shall not exceed 30 children at any one time.
- iii. In addition to the operators allowed by Subsection 5K of this Ordinance, the North Shore Academy may also be operated by the North Suburban Special Education District.

## N. Early Childhood Program.

- i. The Early Childhood Program shall only be operated on the 255 Revere Property.
- ii. Enrollment in the Early Childhood Program shall be limited to children from birth to three years of age.

## Section 7. COVENANT AMENDMENT APPROVAL.

Subject to and contingent upon the conditions, restrictions and provisions set forth Section 6 of this Ordinance, as well as approval by the Village Attorney, the Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant is hereby approved in form and substance conforming to Exhibit B, attached to and made a part of this Ordinance by this reference, pursuant to the terms of the Restrictive Covenant on the Property to which the Village is a party, and the home rule powers of the Village. The Village President and Village Clerk are hereby authorized to sign and seal said Fourth Amendment on behalf of the Village following execution thereof by all other parties.

## Section 8. FAILURE TO COMPLY WITH CONDITIONS.

Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the rezoning to the IB Institutional Buildings District granted in Ordinance No. 00-43, the special permits granted in Section 5 and the Covenant Amendment Approval in Section 7 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the rezoning, special permits and covenant amendment approval unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the IB Institutional Buildings District, as the same may, from time to time, be amended, unless such rezoning is revoked, in which case the use of the Property shall be governed solely by the regulations of the I-1 Restricted Industrial District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permits and covenant amendment approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant

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acknowledges that public notices have been given and public 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 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 to the Applicant required by this Section is given.

## Section 9. AMENDMENT TO SPECIAL PERMIT.

Any amendment to the special permits granted in Section 5 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Code.

## Section 10. INTERRELATIONSHIP WITH ORDINANCE NO. 94-50.

Except as amended by this Ordinance, the terms, conditions, restrictions, and obligations set forth in Ordinance No. 94-50 shall remain in full force and effect.

## Section 11. BINDING EFFECT; NON-TRANSFERABILITY.

The privileges, obligations and provisions of each and every Section of this Ordinance, are for the sole benefit of, and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Applicant.

## Section 12. EFFECTIVE DATE.

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- ii. publication in pamphlet form in the manner required by law;
- iii. the filing by the Applicant with the Village Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be executed by the Applicant and the Owner and shall be in the form of Exhibit C, attached to and made a part of this Ordinance by this reference;
- iv. the submission to the Village Clerk of title documents showing the Applicant's ownership interests in the Property; and
- v. recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

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B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 12.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the corporate authorities, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 22nd day of August, 2000.

AYES: (7) Trustees Jaeger, Frum, Karagianis, Buehler,  
Donewald and Meek and President Damisch

NAYS: (0)

ABSENT: (0)

ABSTAIN: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk

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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

255 Revere Property: Lot 2 in Northbrook Court Office Plaza, being a subdivision of part of the Northwest quarter of Section 2, Township 42 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

300 Revere Property: Lots 1, 2, 3 and 4 in Revere's Resubdivision of Lot 1 in Northbrook Court Office Plaza, being a subdivision of part of the Northwest quarter of Section 2, Township 42 North, Range 12, East of the Third Principal Meridian, in Cook County, Illinois.

Both parcels are commonly known as 255 and 300 Revere Drive respectively, and are in Northbrook, Illinois.

255 Revere Drive P.R.E.I. No.: 04-02-101-015

300 Revere Drive P.R.E.I. No.: 04-02-109-019

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## EXHIBIT B

### Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant

On file in the office of the Village Clerk, 1225 Cedar Lane,  
Northbrook, Illinois

Property of Cook County Clerk's Office

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## EXHIBIT C

### Applicant's Unconditional Agreement and Consent

TO: The Village of Northbrook, Illinois ("Village"):

WHEREAS, JFMC Facilities Corporation, an Illinois not-for-profit corporation ("Facilities Corporation"), is the legal owner of approximately 12.77 acres of land commonly known as 300 Revere Drive; and

WHEREAS, 255 Revere Drive Limited Partnership, an Illinois limited partnership ("Partnership"), is the legal owner of approximately 2.25 acres of land commonly known as 255 Revere Drive; and

WHEREAS, both the Facilities Corporation and the Partnership are majority owned and controlled by the Jewish Federation of Metropolitan Chicago ("Federation"); and

WHEREAS, the Facilities Corporation, the Partnership and the Federation are collectively referred to as the "Applicant"; and

WHEREAS, the Applicant has applied for special permits to allow for the operation of various educational, individual and family social services activities, and a planned development on the Property ("Requested Relief"); and

WHEREAS, certain sections of Ordinance No. 94-50, approved by the Village Board of Trustees on November 8, 1994, were required to be amended ("Amendments") in connection with the Requested Relief for the Property; and

WHEREAS, Ordinance No. 00-44, adopted by the President and Board of Trustees of the Village of Northbrook on the 22nd day of August, 2000 ("Ordinance"), grants the Requested Relief and Amendments, subject to certain conditions; and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions and limitations set forth in said Ordinances;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant shall and does hereby unconditionally agree to, accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of Ordinance No. 00-44, as well as those in Ordinance No. 94-50.
2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
3. The Applicant acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of Ordinance No. 00-44, has considered

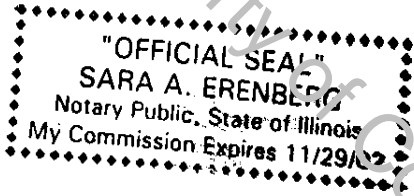
# UNOFFICIAL COPY

255 REVERE DRIVE LIMITED  
PARTNERSHIP

By: Richard J. K...  
OF GENERAL PARTNER

SUBSCRIBED and SWORN to  
before me this 20th day of  
November, 2000.

Sara A. Erenberg  
Notary Public



Property of Cook County Clerk's Office