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ORDINANCE NO. 01-15

AN ORDINANCE GRANTING VARIATIONS AND A SPECIAL PERMIT TO ALLOW CONSTRUCTION OF A NEW NORTHBROOK SCHOOL DISTRICT 30 ADMINISTRATION BUILDING AND MODIFICATIONS TO THE EXISTING MAPLE JUNIOR HIGH SCHOOL BUILDING AND PAFKING LOT AT 2370 & 2374 SHERMER ROAD

(NORTHBROOK SCHOOL DISTRICT NO. 30)  
(PLAN COMMISSION DOCKET NO. 01-03)

Passed by the Board of Trustees, March 13, 2001

Printed and Published, March 14, 2001

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

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS



BOX 337

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

/s/ Lona N. Louis  
Village Clerk

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

4/15/01 Lona N. Louis  
Date Village Clerk

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## ORDINANCE NO. 01-15

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 GRANTING VARIATIONS AND A SPECIAL PERMIT TO ALLOW CONSTRUCTION OF A NEW NORTHBROOK SCHOOL DISTRICT 30 ADMINISTRATION BUILDING AND MODIFICATIONS TO THE EXISTING MAPLE JUNIOR HIGH SCHOOL BUILDING AND PARKING LOT AT 2370 & 2374 SHERMER ROAD

(NORTHBROOK SCHOOL DISTRICT NO. 30)  
(PLAN COMMISSION DOCKET NO. 01-03)

be and is hereby adopted as follows:

### Section 1. BACKGROUND

Northbrook School District No. 30 (the "Applicant") is the legal record owner of certain real property located at 2370 and 2374 Shermer Road (the "Subject Property"). The "Applicant" has requested the following relief: (i) variation of the applicable setback regulations to allow the construction of an addition to north side of the existing Maple Junior High School building on the Subject Property; (ii) variation of the applicable yard setback regulations to allow the expansion of the existing parking lot on the Subject Property; and (iii) a special permit to allow multiple building on the Subject Property.

### Section 2. DESCRIPTION OF SUBJECT PROPERTY

The Subject Property is commonly known as 2370 and 2374 Shermer Road and is legally described in Exhibit A, attached to and, by the reference, made part of this Ordinance. The Subject Property is located within the IB Institutional Building District.

### Section 3. PUBLIC HEARING

A public hearing to consider the subject application for the variations and special permit was duly advertised on February 1, 2001 in the *Northbrook Star* and publicly heard by the Plan Commission on February 20, 2001. The Plan Commission recommended approval of the application on February 20, 2001 by adoption of Resolution No. 01-PC-03.

### Section 4. BUILDING SETBACK VARIATION

Subject to, and contingent upon the conditions, restrictions and provisions set forth in Section 7 of this Ordinance, a variation to reduce the applicable corner side yard structural setback requirement by 34 feet, (from 40 feet to 6 feet), allowing for the proposed addition to the existing Maple Junior High School building, is hereby granted to the Applicant in accordance with and pursuant to Section 11-503 of the Zoning Code and the home rule powers of the Village of Northbrook.

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## Section 5. PARKING SETBACK VARIATION

Subject to, and contingent upon the conditions, restriction and provisions set forth in Section 7 of this Ordinance, a variation to reduce the applicable interior side yard parking setback requirement by 17 feet, (from 20 feet to 3 feet), allowing for the proposed expansion of the existing parking lot, is hereby granted to the Applicant in accordance with and pursuant to Section 11-503 of the Zoning Code and the home rule powers of the Village of Northbrook.

## Section 6. SPECIAL PERMIT TO ALLOW MULTIPLE BUILDINGS ON A SINGLE ZONING LOT

Subject to, and contingent upon the conditions, restrictions and provisions set forth in Section 7 of this Ordinance, a special permit to allow multiple buildings on the Subject Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-602 of the Zoning Code and the home rule powers of the Village of Northbrook.

## Section 7. VARIATIONS AND SPECIAL PERMIT CONDITIONS

The variations granted in Section 4 and Section 5 of this Ordinance and the special permit granted in Section 6 of this Ordinance shall be, and are hereby, expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

A. Compliance with Plans. The development, use and maintenance of the Subject Property shall be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Development and the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards:

- i. Site Plan, prepared by Norman J. Toberman & Associates, with a latest revision date of February 10, 2001, attached as Exhibit B and, by this reference, made part of this Ordinance; and
- ii. Building Elevations, prepared by Green Associates, with a latest revision date of January 31, 2001, attached as Exhibit C and, by this reference, made part of this Ordinance.

## 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 variations granted in Section 4 and Section 5 of this Ordinance and the special permit granted in Section 6 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 variations and special permit 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 Subject Property shall be governed solely by the regulations of the IB Institutional Building District, as the same may, from time to time, be amended. Further, in the event of such revocation of the variations and special permit, 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 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 VARIATIONS AND SPECIAL PERMIT**

Any additional amendments to the variations granted in Section 4 and Section 5 of this Ordinance and the special permit granted in Section 6 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 Zoning Code.

**Section 10. 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 11. 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; and
- 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 in the form of Exhibit D, attached to and made a part of this Ordinance by this reference; and
- iv. 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 11.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.

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PASSED: This 13th day of March, 2001

AYES: (5) Trustees Frum, Karagianis, Donewald, Meek, and  
President Damisch

NAYS: (0)

ABSENT: (2) Trustees Jaeger and Buehler

ABSTAIN: (0)

/s/ Mark W. Damisch  
Village President

ATTEST:

/s/ Lona N. Louis  
Village Clerk

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## LIST OF EXHIBITS

- EXHIBIT A: Legal Description of the Subject Property
- EXHIBIT B: Site Plan
- EXHIBIT C: Building Elevations
- EXHIBIT D: Unconditional Agreement and Consent

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## EXHIBIT A

### Legal Description of the Subject Property

OF THAT PART OF LOT 16 IN SCHOOL TRUSTEE'S SUBDIVISION IN SECTION 16, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 16, THENCE NORTH ALONG THE EAST LINE OF THEREOF 297.00 FEET (18 RODS), THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 16, 1326.99 FEET TO THE WEST LINE THEREOF, THENCE SOUTH ALONG SAID WEST LINE 297.0 FEET TO THE SOUTH LINE OF LOT 16, THENCE EAST ALONG SAID SOUTH LINE, 1327.85 FEET TO THE POINT OF BEGINNING, EXCEPT FOR THAT PART TAKEN FOR ROAD PURPOSES RECORDED AS DOCUMENT 25131802, IN COOK COUNTY, ILLINOIS.

LOT 2 IN LA SALCEDA SUBDIVISION, BEING A SUBDIVISION OF THE NORTH HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as:  
Permanent Index No.:

2370 & 2374 Shermer Road, Northbrook, Illinois  
04-16-403-002

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EXHIBIT B

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Site Plan

Exhibits B & C are on file in the office of the  
Village Clerk, 1225 Cedar Lane, Northbrook, IL 60062.

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## EXHIBIT D

### Unconditional Agreement and Consent of Applicant

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

WHEREAS, Northbrook School District No. 30 (the "Applicant") has applied for (i) variations of the applicable yard and setback requirements and (ii) a special permit to allow multiple buildings at 2370 & 2374 Shermer Road in the Village of Northbrook (the "Subject Property"); and

WHEREAS, Ordinance No. 01-15, adopted by the President and Board of Trustees of the Village of Northbrook on March 13, 2001 (the "Ordinance"), grants approval of such variations and special permit, 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 Ordinance;

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 that certain Village Ordinance No. 01-13, adopted by the Village Board of Trustees on March 13, 2001.
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 a result of the Village's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject 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 the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, 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 Section 8 of the Ordinance is given.
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 any 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 Subject Property, and (d) the

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performance by the Applicant of its obligations under this Unconditional Consent and Agreement.

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 of the claims mentioned in this Unconditional Consent and Agreement. 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.

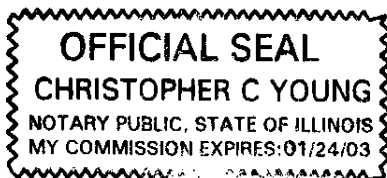
ATTEST:

Northbrook School District No. 30  
2374 Shermer Road  
Northbrook, IL 60062

By: Robert Z. Olson  
Its: Board Secretary

By: Harj P. Rasai  
Its: Superintendent

SUBSCRIBED and SWORN to  
before me this 20th day of  
March, 2001.  
Notary Public



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