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Cook County Recorder of Deeds  
Date: 01/05/2007 12:25 PM Pg: 1 of 8

ORDINANCE NO. 06-64

AN ORDINANCE GRANTING A  
SPECIAL PERMIT TO ALLOW AN AUTOMOTIVE REPAIR SHOP,  
NOT ELSEWHERE CLASSIFIED AT 1827 JANKE DRIVE

(AUTO WERKS OF NORTHBROOK, INC.)  
(PLAN COMMISSION DOCKET NO. 06-33)

Passed by the Board of Trustees, November 14, 2006

Printed and Published, November 15, 2006

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.

/s/ Debra J. Ford  
Village Clerk

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

12-29-06  
Date

Debra J. Ford  
Village Clerk



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## ORDINANCE NO. 06-64

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 A SPECIAL PERMIT TO ALLOW AN AUTOMOTIVE REPAIR SHOP, NOT ELSEWHERE CLASSIFIED AT 1827 JANKE DRIVE

(AUTO WERKS OF NORTHBROOK, INC.)  
(PLAN COMMISSION DOCKET NO. 06-33)

shall be, and is hereby, adopted as follows:

#### Section 1. BACKGROUND.

Auto Werks of Northbrook, Inc., an Illinois corporation, ("*Applicant*") proposes to install an automotive repair shop ("*Facility*") on the property commonly known as 1827 Janke Drive ("*Property*"). The Property is zoned in the I-1 Restricted Industrial District. The Applicant has requested that the Village grant a special permit to allow installation of an automotive repair shop, not elsewhere classified, on the Property. 5151 Dempster Properties, L.L.C., an Illinois limited liability company ("*Owner*") is the legal owner of the Property. Both the Applicant and Owner are controlled by Ron Durchin. The Owner has consented to the request of the Applicant for special permit.

#### Section 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 1827 Janke Drive and is legally described in *Exhibit A* attached to and, by this reference, made a part of this Ordinance.

#### Section 3. PUBLIC HEARING.

A public hearing to consider the application for special permit was duly advertised on September 28, 2006 in the *Northbrook Star* and held at the Plan Commission's regular meeting on October 17, 2006. On November 7, 2006, in Plan Commission Resolution No. 06-PC-23, the Plan Commission recommended approval of a special permit to allow an automotive repair shop, not elsewhere classified in the I-1 District on the Property.

#### Section 4. SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, a special permit to allow for the operation of an Automotive Repair Shop, Not Elsewhere Classified (Northbrook SIC Code No. 7539.01) on the Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-602 of the Northbrook Zoning Code (1988), as amended ("*Code*"), and the home rule powers of the Village of Northbrook.

#### Section 5. CONDITIONS OF THE SPECIAL PERMIT.

The special permit granted in Section 4 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon each of the following terms, conditions, and restrictions:

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A. Compliance with Plans. The development, use, and maintenance of the Facility shall be in strict compliance 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 codes, ordinances, and standards:

i. Site plan of the Property, prepared by Dobrin + Associates, Ltd., attached as *Exhibit B* and, by this reference, made a part of this Ordinance.

B. Special Permit Term. The special permit shall be valid for an initial term of ten years.

C. Outdoor Storage. The Automotive Repair Shop shall be prohibited from storing vehicles to be serviced outside of the building on the Property. The Facility shall also not permit overnight parking on the Property, other than for employees of the Facility.

D. Service Provided. The Facility will be an outlet for after market automotive accessories and perform auto body and mechanical repairs, but shall not provide routine, day-to-day auto repair and maintenance services to the general public.

E. Hours of Operation. The Facility hours shall be limited to 7:00 AM to 9:00 PM, Monday through Friday, and 8:00 AM to 5:00 PM on Saturdays.

F. Indoor Parking. Only employees of the Facility shall be authorized to maneuver automobiles inside the building beyond the receiving area.

G. Signage. All proposed signage shall be subject to the applicable provisions of the Code.

## Section 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit granted in Section 4 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 approval of the 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 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 approval of the 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 and 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 7. AMENDMENT TO THE SPECIAL PERMIT.

Any amendment to the special permit granted in Section 4 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.

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Section 8 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 9 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 and the Owner with the Village Clerk of a document evidencing that the Owner has fee simple title to the Property; and
- iv. The filing by Applicant with the Village Clerk, for recording in the Office of the Cook County Recorder of Deeds, 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. Such unconditional agreement and consent shall be in the form attached to and, by this reference, made part of this Ordinance as **Exhibit C**, and shall be executed by the Applicant and Owner.

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 Paragraph A.iv above within 90 days after the effective date of this Ordinance, the Village Board of Trustees shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 14th day of November, 2006.

AYES: (6) Trustees Frum, Karagianis, Buehler, Scolaro, Heller, and Kole

NAYS: (0)

ABSENT (0)

ABSTAIN (0)

/s/ Eugene Marks  
Village President

ATTEST:

/s/ Debra J. Ford  
Village Clerk

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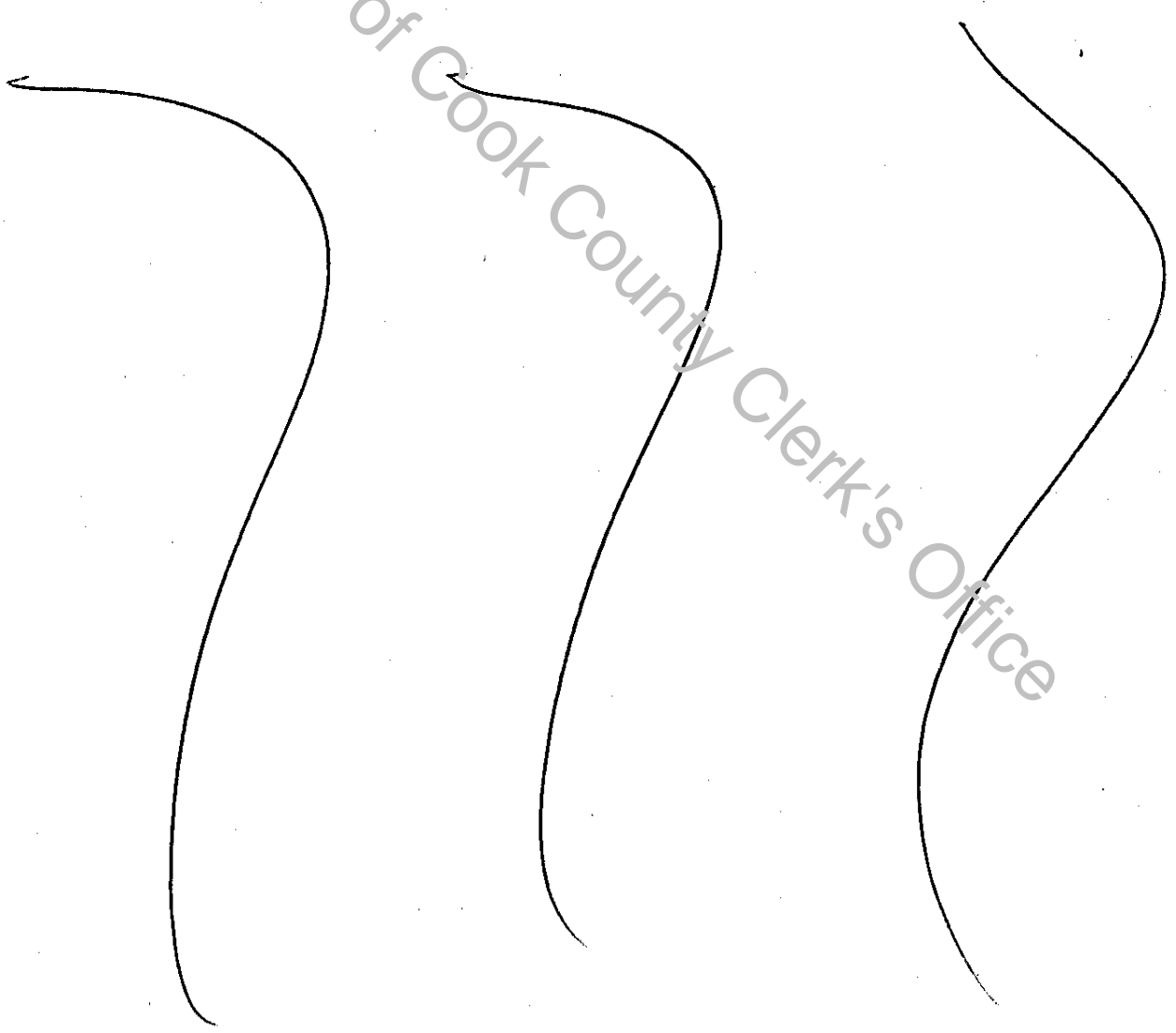
## EXHIBIT A

### Property Legal Description

LOTS 11 AND 12 IN GLENBROOK INDUSTRIAL PARK UNIT NO. 1 BEING A SUBDIVISION OF THE NORTH 600.00 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF A LINE 100.00 FEET WESTERLY OF THE CENTERLINE OF THE MOST WESTERLY TACK OF THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILWAY COMPANY, IN COOK COUNTY, ILLINOIS.

Commonly known as: 1827 Janke Drive, Northbrook, Illinois.

P.I.N.: 04-15-302-006-0000 AND 04-15-302-007-0000



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## EXHIBIT C

### Unconditional Agreement and Consent of Applicant and Owner

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

WHEREAS, Auto Werks of Northbrook, Inc., an Illinois corporation ("**Applicant**") proposes to operate an automotive repair shop on the property commonly known as 1827 Janke Drive (the "**Property**") and 5151 Dempster Properties, L.L.C., an Illinois limited liability company, is the owner of the Property ("**Owner**"); and

WHEREAS, the Property is located within the I-1 Restricted Industrial District, in which automotive repair shops, not elsewhere classified are allowed only as special permit uses; and

WHEREAS, the Applicant has applied for a special permit requesting that a special permit be granted to allow an automotive repair shop, not elsewhere classified on the Property and the Owner has consented to that application; and

WHEREAS, Ordinance No. 06-64, adopted by the President and Board of Trustees of the Village of Northbrook on November 14, 2006 ("**Ordinance**"), grants approval of such special permit, subject to certain conditions, for the benefit of the Applicant; 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 and the Owner desires to evidence its consent to the recording of the Ordinance regarding the Property;

NOW, THEREFORE, the Applicant and Owner do 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 Ordinance No. 06-64, adopted by the Village Board of Trustees on November 14, 2006.
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 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 the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agree 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 6 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,

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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 Property, and (d) the 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.

6. The Owner warrants and represents to the Village that it owns fee simple title to the Property and consents to the recording of the Ordinance against the Property.

ATTEST:

AUTO WERKS OF NORTHBROOK, INC.

By: \_\_\_\_\_

By: [Signature]

Its: \_\_\_\_\_

Its: President

SUBSCRIBED and SWORN to before me this 28<sup>th</sup> day of December, 2006.



[Signature]  
Notary Public

WITNESS:

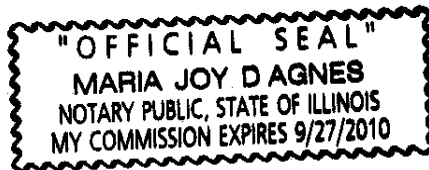
5151 DEMPSTER PROPERTIES, L.L.C.

By: [Signature]

By: [Signature]

Its: Member

SUBSCRIBED and SWORN to before me this 28<sup>th</sup> day of December, 2006.



[Signature]  
Notary Public

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OVERSIZE  
EXHIBIT  
FORWARD  
TO PLAT COUNTER  
FOR SCANNING

Property of Cook County Clerk's Office

RECORDED DATE 1-05-07

CASHIER # / NAME 13

7 P9  
1-X  
8 - Total