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Doc#: 1010431064 Fee: \$54.00  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 04/14/2010 11:50 AM Pg: 1 of 10

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## ORDINANCE NO. 10-9

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AN ORDINANCE GRANTING SPECIAL PERMIT  
APPROVAL FOR THE OPERATION OF A  
TRANSITIONAL SERVICE FACILITY

(GLENKIRK- 3830 WALTERS AVENUE)  
(PLAN COMMISSION DOCKET NO. 09-19)

Passed by the Board of Trustees, February 23, 2010

Printed and Published, February 24, 2010

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

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

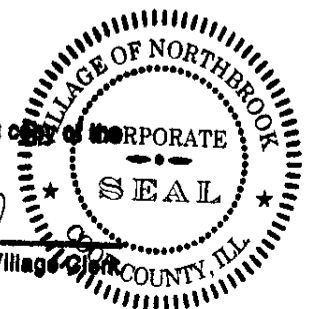
I hereby certify that this document  
was properly published on the date  
stated above.

/s/ Debra J. Ford  
Village Clerk

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

4-9-10  
Date

*Debra J. Ford*  
Village Clerk



**BOX 337**

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## ORDINANCE NO. 10-9

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 SPECIAL PERMIT APPROVAL FOR THE OPERATION OF A TRANSITIONAL SERVICE FACILITY

(GLENKIRK- 3830 WALTERS AVENUE)  
(PLAN COMMISSION DOCKET NO. 09-19)

be and is hereby adopted as follows:

#### Section 1. BACKGROUND.

Glenkirk, an Illinois not-for-profit corporation ("**Applicant**"), has requested a special permit to allow for the operation of a group home for adults with developmental disabilities at 3830 Walters Avenue ("**Subject Property**") in the Village of Northbrook. The Subject Property is located within the R-4 Single Family Residential District. The operation of the proposed group home is classified in the Northbrook Zoning Code (1988), as amended ("**Zoning Code**"), as a Transitional Service Facility (Village S.I.C. Code No. 9866.00).

In 1996 the President and Board of Trustees adopted Ordinance No. 96-28 granting the Applicant a special permit to operate a Transitional Service Facility. Ordinance 96-28 has expired and the Applicant's use of the Subject Property has continued without issue or modification since that time.

The Applicant now seeks reinstatement of the special permit approval granted by Ordinance 96-28 ("**Application**").

#### Section 2. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property is located at 3830 Walters Avenue and 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 to operate a Transitional Service Facility the Subject Property in the R-4 Single Family Residential District was duly advertised on December 17, 2010 in the *Northbrook Star* and publicly heard by the Northbrook Plan Commission on January 5, 2010. The Plan Commission recommended approval of this application on January 19, 2010 by adoption of Resolution No. 10-PC-04.

#### 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 a Transitional Service Facility (Village S.I.C. Code No. 9866.00) 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.

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## Section 5. SPECIAL PERMIT CONDITIONS.

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

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

- i. Plat of Survey, consisting of one (1) sheet, undated attached as ***Exhibit B*** and made a part of this Ordinance by this reference; and
- ii. Floor Plan, consisting of one (1) sheet, undated attached as ***Exhibit C*** and made a part of this Ordinance by this reference.

B. Compliance with Building Code and Accessibility Laws. The building on the Subject Property, and all modifications thereof, shall comply with the Village's building regulations, as well as the requirements of the Americans with Disabilities Act and any applicable Illinois statutes regarding accessibility.

C. Alteration of Building. The building currently located on the Subject Property shall not be altered in a manner that would prevent its future use as a single family dwelling.

D. Residents of the Facility.

- i. The total number of residents at any one time shall not exceed six.
- ii. All residents shall have a "Developmental Disability" as the term is defined in the administrative rules of the Illinois Department of Human Services pertaining to community-integrated living arrangements (59 Ill. Adm. Code Part 115 *et seq.*).
- iii. No resident shall be less than eighteen (18) years of age.

E. Minimum and Maximum Number of Staff. At least one and not more than three regularly assigned professional staff members shall be present on the Subject Property and responsible for the supervision of residents at all times.

F. Applicant and Staff Vehicles. No vehicle of either Applicant or its employees bearing any logo, advertising or other markings identifying such vehicle as a vehicle having a relationship to the Applicant shall be permitted on or around the Subject Property; provided, however, that a "How Am I Driving?" bumper sticker shall be permitted on the Applicant's vehicles.

G. Parking. In the event that parking issues arise with respect to the Subject Property or that complaints regarding parking are received from persons living in the vicinity of

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the Subject Property, the Applicant agrees to cooperate with the Village in the resolution of such issues or complaints.

H. Licenses and Permits. The Applicant shall obtain and maintain all licenses, certifications, permits and other approvals required for the legal operation of Transitional Service Facility services on the Subject Property.

I. Compliance with Codes. The Applicant shall comply with all other requirements applicable to the operation of the transitional service facility in the Zoning Code and other codes and ordinances of the Village.

## 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 special permit unless it shall first provide the Applicant with two (2) 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 R-4, Single Family Residential District, as the same may, from time to time, be amended. Further, in the event of such revocation 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 SPECIAL PERMIT.

Any additional amendment to the special permit approval granted by this Ordinance that may be requested by the Applicant after the effective date of this Ordinance, including, without limitation, expansion of the size of the building, may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

## 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 inure to the benefit of and are 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 other than the Applicant without a new application for approval for any person or entity other than the Applicant.

## Section 9. TERM.

The special permit granted in Section 4 above shall automatically expire, and the designated use shall terminate, on the date that is five years after the effective date of this Ordinance, unless prior to such date, the Applicant shall have requested, and the Corporate Authorities, in its sole and absolute discretion, shall have granted a renewal in accordance with Section 11-602 K of the Zoning Code.

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## Section 10. 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, 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. Said unconditional agreement and consent shall be in the form of Exhibit B, attached to and made a part of this Ordinance by this reference.

B. This Ordinance shall be of no force or effect and shall be rendered null and void 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 10.A.iii of this Ordinance within 60 days of the date of passage of this Ordinance by the Corporate Authorities.

PASSED: This 23rd day of February, 2010.

AYES: (6) Trustees Kuragianis, Scolaro, Heller, Ciesla, Spaniak and President Frum

NAYS: (0)

ABSENT: (1) Trustee Buehler

ABSTAIN: (0)

/s/ Sandra E. Frum

Village President

ATTEST:

/s/ Debra J. Ford

Village Clerk

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## EXHIBIT A

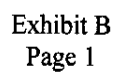
### Legal Description of the Subject Property

LOT 156 IN SECTION 3 IN WESTVIEW UNITS 3 AND 5, BEING A SUBDIVISION IN SECTION 7, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 3830 Walters Avenue, Northbrook, Illinois 60062  
P.I.N.: 04-07-410-023-0000

Property of Cook County Clerk's Office

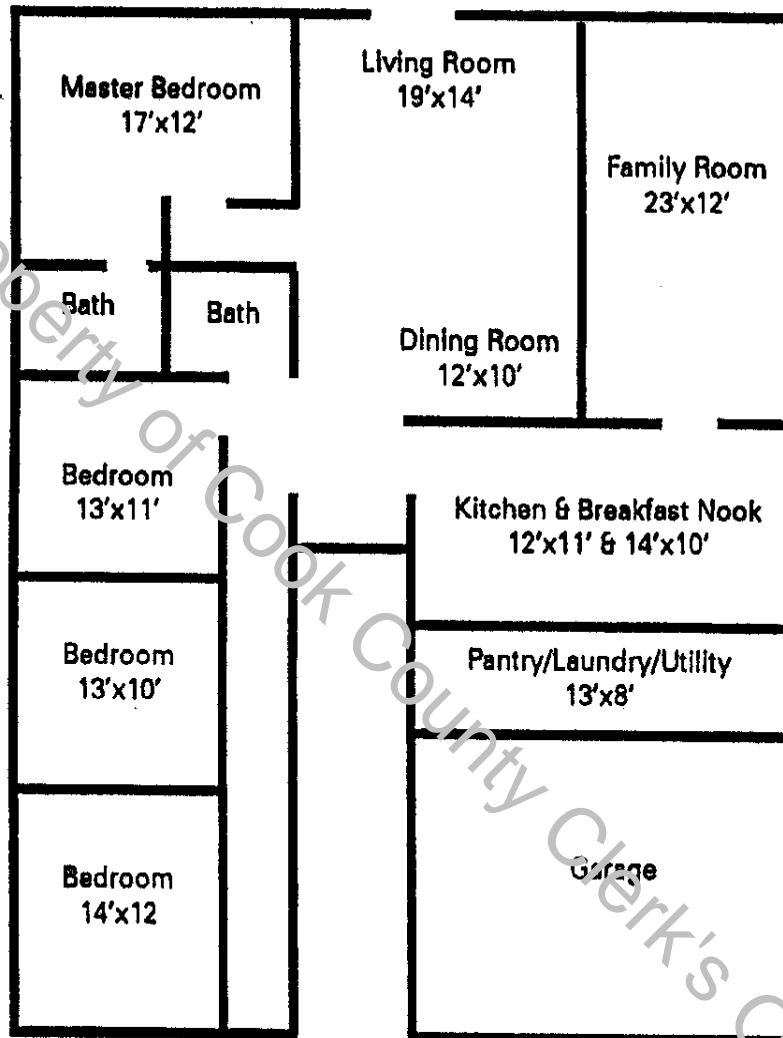
### Plat of Survey



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## EXHIBIT C

### Floor Plan



3830 Walters Avenue  
Northbrook, IL



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## EXHIBIT D

### Unconditional Agreement and Consent of Applicant

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

WHEREAS, Glenkirk, an Illinois not-for-profit corporation ("**Applicant**"), has applied for a special permit approval to allow the operation of a transitional service facility for developmentally disabled adults at 3830 Walters Avenue in the Village of Northbrook ("**Subject Property**"); and

WHEREAS, Ordinance No. 10-9, adopted by the President and Board of Trustees of the Village of Northbrook on February 23, 2010, grants such approvals, subject to certain conditions; and

WHEREAS, Section 10 of said Ordinance provides that said Ordinance will be of no force or effect unless and until the Applicant shall have filed with the Village Clerk, within 60 days after its passage, 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. 10-9, adopted by the Village Board of Trustees on February 23, 2010 ("**Ordinance**").
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 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, 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 Subject Property, and (d) the performance by the Applicant of its obligations under this Unconditional Consent and Agreement.

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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.

**GLENKIRK**, an Illinois not-for-profit corporation

By: [Signature]

Its: COO / ED

Attest:

By: [Signature]

Its: V.P. Consent Source

SUBSCRIBED AND SWORN TO before me  
this 23<sup>rd</sup> day of MARCH, 2010

[Signature]  
Notary Public

