

# UNOFFICIAL COPY



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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 10/16/2013 08:52 AM Pg: 1 of 5

## NOTICE OF APPROVAL

An ordinance granting a Special Use Permit to establish and operate a limited service restaurant with a drive-through facility at 3316 Touhy Avenue, Skokie, Illinois in a B2 Commercial District was approved by the Board of Trustees of the Village of Skokie on August 19, 2013.

The approval granted is shown on the document attached hereto, marked Exhibit "1" and hereby made a part of this Notice of Approval.

**IMPORTANT: THE ABOVE PROVISION IS CONDITIONED UPON THE CERTIFICATION AND THE PAYMENT OF FEES AND EXPENSES IN CONNECTION WITH THE RECORDING OF THIS NOTICE. ALL DEPARTMENTS HAVE BEEN INSTRUCTED TO TAKE NO ACTION ON THE GRANT UNTIL THIS HAS BEEN SATISFIED.**

## OWNER'S CERTIFICATION

The undersigned, being the owner or duly authorized representative of the owner, of the real estate commonly known as **3316 Touhy Avenue, Skokie, Illinois** and legally described in Exhibit "1" attached hereto and hereby made a part of this Notice of Approval certifies that such Notice is true and correct and accepts and approves all of the provisions and conditions set forth in Exhibit "1", attached hereto.

Dated this 26 day of August, 2013.

**Klein Tools Inc**

Chris Hargan  
Signature

Chris Hargan  
Print name

Sr. Vice President  
Title

Klein Tools  
Company

450 Bond  
Address

Lincolnshire IL 60069  
City, State, Zip

847-821-5528  
Phone Number

Plan Commission Case Number 2013-17P  
Special Use Permit Number 447.01  
Village Ordinance Number 13-8-Z- 4001

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MML: \*8/19/13  
 PC: 2013-17P  
 SUP: 447.01

Exhibit 1

THIS ORDINANCE MAY BE CITED AS  
 VILLAGE ORDINANCE NUMBER

**13-8-Z-4001**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ESTABLISH  
 AND OPERATE A LIMITED SERVICE RESTAURANT WITH A DRIVE-  
 THROUGH FACILITY AT 3316 TOUHY AVENUE, SKOKIE, ILLINOIS IN A  
 B2 COMMERCIAL DISTRICT**

1           **WHEREAS**, the owner ("Petitioner") of the following described real property:

2           LOT 4 IN SKOKIE COMMONS SUBDIVISION, BEING A SUBDIVISION OF THAT PART  
 3           OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE  
 4           13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

5           PIN: 10-26-403-002-0000

6  
 7           more commonly described as 3316 Touhy Avenue, Skokie, Illinois (the "Subject Property"),  
 8           petitioned the Village of Skokie for a special use permit to establish and operate a limited  
 9           service restaurant with a drive-through facility in an B2 Commercial district; and

10           **WHEREAS**, the anticipated limited service restaurant tenant at 3316 Touhy Avenue is  
 11           part of a larger planned development which will include Mariano's Fresh Foods grocery store;  
 12           and

13           **WHEREAS**, the drive-through window is expected to be located on the west side of the  
 14           building. According to the traffic study submitted by the Petitioners, the stacking for seven (7)  
 15           vehicles to the pick-up window of the drive-through along with eight (8) more vehicles to the  
 16           menu board is sufficient and will not impede or obstruct pedestrian or vehicular movement;  
 17           and

18           **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on June 6,  
 19           2013, for which proper legal notice had been achieved and no interested parties appeared, (a)  
 20           made the appropriate findings of fact as required under Section 118-32 of the Skokie Village  
 21           Code and (b) voted to recommend to the Mayor and Board of Trustees that the requested  
 22           special use permit be granted, subject to the conditions contained in the Plan Commission  
 23           Report dated August 5, 2013; and

24           **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on August  
 25           5, 2013, concurred in the aforesaid recommendations and findings of fact of the Skokie Plan  
 26           Commission;

27           **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the  
 28           Village of Skokie, Cook County, Illinois:

29           **Section 1:** That the special use permit requested by the petitioner to establish and  
 30           operate a limited service restaurant with a drive-through facility at the Subject Property,

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1 described above and commonly known as 3316 Touhy Avenue, Skokie, Illinois, in a B2  
2 Commercial district be and the same is hereby granted and approved subject to each of the  
3 conditions set forth below:

- 4 1. The petitioner shall develop the Subject Property in substantial conformance with  
5 the final Village approved site plans dated July 26, 2013, landscape plans dated  
6 August 13, 2013, sign plans dated April 23, 2013 and May 1, 2013, and building  
7 elevations dated April 23, 2013.
- 8 2. Any outdoor sound systems shall at all times maintain audio levels that are  
9 compliant with the Skokie Village Code.
- 10 3. All objects and landscaping within a 15-foot sight distance triangle shall not  
11 exceed 30 inches in height, except traffic control devices listed in the Manual on  
12 Uniform Traffic Control Devices.
- 13 4. Waste receptacles shall be placed on the Subject Property for the use of  
14 customers, and that the Health Department shall determine the size, type, and  
15 location of these units.
- 16 5. All signage shall conform to the Skokie Village Code, or per the relief granted.  
17 Any sign on the Subject Property that is in violation of that Code must be  
18 removed or modified to conform with the Village Code prior to the issuance of an  
19 occupancy permit.
- 20 6. The petitioner shall comply with all Federal and State statutes, laws, rules and  
21 regulations and all Village codes, ordinances, rules, and regulations.
- 22 7. Failure to abide by any and all terms of this Ordinance shall be cause for the  
23 Village to initiate hearings to determine whether the subject Ordinance, as well as  
24 any applicable business licenses, should be revised or revoked. The petitioner  
25 shall pay all costs related to any hearings conducted as a result of non-  
26 compliance with any of the provisions of the enabling ordinance. The costs shall  
27 include but not be limited to court reporter fees, attorney fees, and staff time  
28 required researching and conducting said hearing.
- 29 8. The petitioner shall implement any necessary operational improvements to ensure  
30 that stacking of vehicles within the drive-through lane will not impede or obstruct  
31 pedestrian or vehicular movements.
- 32 9. A screened garbage corral with an impermeable surface shall be provided to  
33 contain all dumpsters.
- 34 10. At least once during every 4 hours of operation and before opening and  
35 closing of the business, employees shall patrol the Subject Property and clear  
36 it of debris.
- 37 11. The sale of open alcoholic beverages at carryout restaurants is prohibited.

38  
39 **Section 2:** That a notice of the approval of this Ordinance incorporating the  
40 conditions contained herein shall be executed by the owner of the property in writing and  
41 duly recorded with the Cook County Recorder of Deeds Office at the owner's expense.

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**Section 3:** That this Ordinance shall be in full force and effect from and after its passage, approval and recordation as provided by law.

**ADOPTED** this 19th day of August, 2013.

Ayes: 7 (Bromberg, Gray-Keeler, Klein, Roberts,  
Sutker, Ulrich, Van Dusen)

Nays: 0

Absent: 0

Attested and filed in my  
office this 20th day of  
August, 2013.

Pramod Shah

Village Clerk

Pramod Shah

Village Clerk

Approved by me this 19th day of  
August, 2013.

George Van Dusen

Mayor, Village of Skokie

Property of Cook County Clerk's Office

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STATE OF ILLINOIS)  
   )SS  
 COUNTY OF COOK)

I, PRAMOD SHAH, DO HEREBY CERTIFY that I am the regularly elected and acting Clerk of the Village of Skokie, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing Ordinance is a true and correct copy of an Ordinance adopted by the Mayor and Board of Trustees of the Village of Skokie on the 19th day of August, 2013 by a vote of 7 Ayes, 0 Nays and 0 Absent; that said Ordinance adopted as aforesaid was deposited and filed in the Office of the Village Clerk on the 20th day of August, 2013. and was approved by the Mayor and Board of Trustees on the 19th day of August, 2013.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy is entrusted to my care and safekeeping and I am the Keeper of the records, journals, entries, ordinances and resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Skokie this 13th day of September, 2013.

*Phal*

Skokie Village Clerk  
 Cook County, Illinois

(seal)