

# UNOFFICIAL COPY



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## NOTICE OF APPROVAL

An ordinance granting a special use permit for outdoor seasonal garden and plant material sales at 3358 Touhy Avenue, Skokie, Illinois in a B2 Commercial district was approved by the Board of Trustees of the Village of Skokie on December 16, 2013. The approval granted is shown on the document attached hereto, marked Exhibit "1" and hereby made a part of this Notice of Approval.

Doc#: 1335750019 Fee: \$44.00

Karen A. Yarbrough

Cook County Recorder of Deeds

Date: 12/23/2013 12:49 PM Pg: 1 of 4

**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 **3358 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 13 day of December, 2013.

**Klein Tools, Inc.**

  
Signature

Chris Hargan  
Print name

Service President  
Title

Klein Tools Inc  
Company

450 Bond St  
Address

Lincolnshire IL 60069  
City, State, Zip

847-821-5528  
Phone Number

Plan Commission Case Number 2013-13P  
Special Use Permit Number 452.01  
Village Ordinance Number 13-12-Z- 4020

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## Exhibit 1

MML: \*12/16/13  
 PC: 2013-13P  
 SUP: 452.01

THIS ORDINANCE MAY BE CITED AS  
 VILLAGE ORDINANCE NUMBER

**13-12-Z-4020**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR  
 OUTDOOR SEASONAL GARDEN AND PLANT MATERIAL SALES AT  
 3358 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL  
 DISTRICT**

**WHEREAS**, the owner of the following described real property:

LOT 1 IN SKOKIE COMMONS SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE  
 SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE  
 THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-26-403-002-0000

more commonly described as 3358 Touhy Avenue, Skokie, Illinois (the "Subject Property"),  
 petitioned the Village of Skokie for a special use permit to allow outdoor seasonal garden  
 and plant material sales in a B2 Commercial district; and

**WHEREAS**, this case was presented to the Skokie Plan Commission in conjunction  
 with ten (10) companion cases; 2013-10P thru 2013-12, and 2013-14P thru 2013-20P, all  
 pertaining to the proposed Skokie Commons development that will include a Mariano's Fresh  
 Market grocery store (hereinafter "Mariano's"); and

**WHEREAS**, three separate year-round sales areas were requested, totaling  
 approximately 1,984 square feet which would be located along the front of the building and  
 offer plants, gardening products and produce (hereinafter "Outdoor Sales Area"). These  
 sales areas would be open during Mariano's business hours; and

**WHEREAS**, Mariano's appeared before the Skokie Appearance Commission at a duly  
 held meeting on November 13, 2013, and received approval for all exterior elevations and  
 signage; and

**WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on June 6,  
 2013, for which proper legal notice had been achieved and no interested parties appeared, (a)  
 made the appropriate findings of fact as required under Section 118-8.(a)(1) of the Skokie  
 Village Code and (b) voted to recommend to the Mayor and Board of Trustees that the  
 requested special use permit be granted subject to the conditions contained in the Plan  
 Commission Report dated December 2, 2013; and

**WHEREAS**, subsequent to the Plan Commission meeting Mariano's submitted a  
 revised plan indicating two (2) separate Outdoor Sales Areas; and

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1                **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on  
 2 December 2, 2013, concurred in the aforesaid recommendations and findings of fact of the  
 3 Skokie Plan Commission;

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

6                **Section 1:** That the special use permit requested by the petitioner to allow outdoor  
 7 seasonal garden and plant material sales at the Subject Property, described above and  
 8 commonly known as 3358 Touhy Avenue, Skokie, Illinois, in a B2 Commercial district, be and  
 9 the same is hereby granted and approved subject to each of the conditions set forth below:

- 10            1. The petitioner shall operate and maintain the outdoor seasonal garden and  
 11 plant material sales area in substantial conformance with the Proposed  
 12 Seating Area plan, dated November 6, 2013;
- 13            2. A 5-foot-wide sidewalk must be maintained free of obstructions along the front  
 14 of the store at all times;
- 15            3. The petitioners shall comply with all Federal and State statutes, laws, rules  
 16 and regulations and all Village codes, ordinances, rules, and regulations;
- 17            4. Failure to abide by any and all terms of this Ordinance shall be cause for the  
 18 Village to initiate hearings to determine whether the subject Ordinance, as well  
 19 as any applicable business licenses, should be revised or revoked; and
- 20            5. The petitioners shall pay all costs related to any hearings conducted as a  
 21 result of non-compliance with any of the provisions of the enabling ordinance.  
 22 The costs shall include but not be limited to court reporter fees, attorney fees,  
 23 and staff time required researching and conducting said hearing.

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

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

**ADOPTED** this 16th day of December, 2013.

Ayes:    6        (Bromberg, Klein, Roberts,  
               Sutker, Ulrich, Van Dusen)

Nays:    0

Absent:  1        (Gray-Keeler)

Attested and filed in my  
 office this 17th day of  
 December, 2013.

Pramod Shah  
 Village Clerk

Pramod Shah  
 Village Clerk

Approved by me this 16th day of  
 December, 2013.

George Van Dusen  
 Mayor, Village of Skokie

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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 16th day of December, 2013 by a vote of 6 Ayes, 0 Nays and 1 Absent; that said Ordinance adopted as aforesaid was deposited and filed in the Office of the Village Clerk on the 17th day of December, 2013. and was approved by the Mayor and Board of Trustees on the 16th day of December, 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 18th day of December, 2013

  
\_\_\_\_\_

Skokie Village Clerk  
Cook County, Illinois

(seal)