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Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/23/2013 12:49 PM Pg: 1 of 4

## NOTICE OF APPROVAL

An ordinance granting a special use permit to allow packaged liquor 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.

**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.

Chris Hargan  
Signature

Chris Hargan  
Print name

Sr. Vice 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 2013-14P  
Special Use Permit Number 453.01  
Village Ordinance Number 13-12-Z-4021

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## Exhibit 1

MML: \*12/16/13  
 PC: 2013-14P  
 SUP: 453.01

THIS ORDINANCE MAY BE CITED AS  
 VILLAGE ORDINANCE NUMBER

13-12-Z-4021

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW PACKAGED LIQUOR SALES AT 3358 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT**

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

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

5           PIN: 10-26-403-002-0000

6           more commonly described as 3358 Touhy Avenue, Skokie, Illinois (the "Subject Property"),  
 7           petitioned the Village of Skokie for a special use permit to allow packaged liquor sales in a B2  
 8           Commercial district; and

9           **WHEREAS**, this case was presented to the Skokie Plan Commission in conjunction with  
 10          ten (10) companion cases; 2013-10P thru 2013-13, and 2013-15P thru 2013-20P, all pertaining to  
 11          the proposed Skokie Commons development which will include a Mariano's Fresh Market grocery  
 12          store (hereinafter "Mariano's"); and

13          **WHEREAS**, in 2008, the Mayor and Board of Trustees created the Class O liquor license  
 14          for retail establishments that only sell liquor to be consumed off premises, commonly referred to  
 15          as packaged liquor establishments; and

16          **WHEREAS**, on January 18, 2011, Ordinance Number 11-1-3814 was adopted which  
 17          created a new category of the O license, OL ("L" for Large), for retailers that sell liquor only for  
 18          consumption off-premises and have over 40,000 square feet of total retail space with no minimum  
 19          or maximum square footage required to be dedicated to the sale of liquor; and

20          **WHEREAS**, Mariano's is anticipated to have a total square footage of approximately  
 21          71,310 ft<sup>2</sup>.

22          **WHEREAS**, Mariano's is desirous of the ability to sell packaged liquor at retail and prior to  
 23          submitting an application to the Skokie Liquor Commissioner, a special use permit is required  
 24          since it will be located in a B2 Commercial district. Mariano's currently sells liquor at its other ten  
 25          (10) locations in the Chicagoland area; and

26          **WHEREAS**, the sale of packaged liquor is a common practice at other grocery stores in  
 27          the area. The Subject Property is entirely surrounded by commercial and industrial uses. Hours  
 28          of sale shall be in accordance with the state and local laws; and

29          **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on June 6, 2013,  
 30          for which proper legal notice had been achieved and no interested parties appeared, (a) made the

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1 appropriate findings of fact as required under Section 118-8.(a)(1) of the Skokie Village Code and  
 2 (b) voted to recommend to the Mayor and Board of Trustees that the requested special use permit  
 3 be granted subject to the conditions contained in the Plan Commission Report dated December 2,  
 4 2013; and

5 **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on December  
 6 2, 2013, concurred in the aforesaid recommendations and findings of fact of the Skokie Plan  
 7 Commission;

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

10 **Section 1:** That the special use permit requested by the petitioner to allow packaged  
 11 liquor sales at the Subject Property, described above and commonly known as 3358 Touhy  
 12 Avenue, Skokie, Illinois, in a B2 Commercial district, be and the same is hereby granted and  
 13 approved subject to each of the conditions set forth below:

- 14 1. Any change in the business ownership or operator of the liquor sales from  
 15 Mariano's shall cause the subject Special Use Permit to cease, unless it is  
 16 determined that it is appropriate for administrative review;
- 17 2. The petitioner shall comply with all Federal and State statutes, laws, rules and  
 18 regulations and all Village codes, ordinances, rules, and regulations;
- 19 3. Failure to abide by any and all terms of this Ordinance shall be cause for the  
 20 Village to initiate hearings to determine whether the subject Ordinance, as well as  
 21 any applicable business licenses, should be revised or revoked; and
- 22 4. The petitioner shall pay all costs related to any hearings conducted as a result of  
 23 non-compliance with any of the provisions of the enabling ordinance. The costs  
 24 shall include but not be limited to court reporter fees, attorney fees, and staff time  
 25 required researching and conducting said hearing.

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

29 **Section 3:** That this Ordinance shall be in full force and effect from and after its  
 30 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.

*Phah*

Skokie Village Clerk  
 Cook County, Illinois

(seal)