

# UNOFFICIAL COPY



Doc#: 1335750021 Fee: \$46.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 12/23/2013 12:50 PM Pg: 1 of 5

## NOTICE OF APPROVAL

An ordinance granting a special use permit to allow outdoor dining for a limited-service restaurant 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.

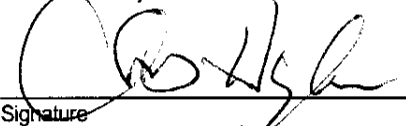
**IMPORTANT: THE ABOVE PROVISION IS CONDITIONED UPON THE CERTIFICATION AND THE PAYMENT OF FEES AND EXPENSES IN CONNECTION WITH THE RECORDING OF THIS NOTICE. ALL DEPARTMENTS HAVE BEEN INSTRUCTED TO TAKE NO ACTION ON THE GRANT UNTIL THIS HAS BEEN SATISFIED.**

## 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.

  
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 2013-15P  
Special Use Permit Number 454.01  
Village Ordinance Number 13-12-Z- 4022

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## Exhibit 1

MML: \*12/16/13  
 PC: 2013-15P  
 SUP: 454.01

<p>THIS ORDINANCE MAY BE CITED AS          VILLAGE ORDINANCE NUMBER</p> <p><b>13-12-Z-4022</b></p>
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### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING FOR A LIMITED-SERVICE RESTAURANT 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  
 3           OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13,  
 4           EAST OF THE 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 outdoor dining for a limited-  
 8           service restaurant in a B2 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 2013-14P, and 2013-16P thru 2013-20P, all pertaining to  
 11          the proposed Skokie Commons development that will include a Mariano's Fresh Market grocery  
 12          store (hereinafter "Mariano's"); and

13          **WHEREAS**, Mariano's is desirous of implementing an outdoor seating area which will be  
 14          provided for seasonal use along the front of the building, south of the southern entrance of  
 15          Mariano's; and

16          **WHEREAS**, the proposed seating area will contain nine (9) tables with seating for four (4)  
 17          persons each and will be surrounded by a three (3) foot high wrought iron fence with two (2)  
 18          access gates and have an approximate area of 790 square feet; and

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

22          **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on June 6, 2013,  
 23          for which proper legal notice had been achieved and no interested parties appeared, (a) made the  
 24          appropriate findings of fact as required under Section 118-8.(a)(1) of the Skokie Village Code and  
 25          (b) voted to recommend to the Mayor and Board of Trustees that the requested special use permit  
 26          be granted subject to the conditions contained in the Plan Commission Report dated December 2,  
 27          2013; and

28          **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on December  
 29          2, 2013, concurred in the aforesaid recommendations and findings of fact of the Skokie Plan  
 30          Commission;

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

3           **Section 1:** That the special use permit requested by the petitioner to allow outdoor  
4 dining for a limited-service restaurant at the Subject Property, described above and commonly  
5 known as 3358 Touhy Avenue, Skokie, Illinois, in a B2 Commercial district, be and the same is  
6 hereby granted and approved subject to each of the conditions set forth below:

- 7           1. The petitioner shall operate and maintain the outdoor dining area in substantial  
8 conformance with the Proposed Seating Area plan, dated November 6, 2013;
- 9           2. A 5-foot-wide sidewalk must be maintained free of obstructions along the front of  
10 the store at all times;
- 11           3. Waste receptacles shall be placed on the Subject Property for the use of  
12 customers, and that the Health Department shall determine the size, type, and  
13 location of these units;
- 14           4. During the seasonal use, at least once during every 4 hours of operation and  
15 before opening and closing of the business, employees shall patrol the Subject  
16 Property and clear it of debris;
- 17           5. Barriers, fencing, landscaping, and other features shall be utilized to define the  
18 outdoor dining area;
- 19           6. Hours of operation for the outdoor dining shall be limited to between 8:00 AM and  
20 10:00 PM, but not longer than the posted operational hours of the associated food  
21 service facility;
- 22           7. Outdoor dining dates of operation shall be limited to between April 1 and October  
23 31 in a calendar year;
- 24           8. All food preparation must take place inside the associated food service  
25 establishment;
- 26           9. Adequate refuse disposal shall exist as determined by the Health Department;
- 27           10. Advertising or promotional features shall be limited to umbrellas or canopies;
- 28           11. All applicable village and state health requirements shall be met;
- 29           12. Dining areas will be reviewed each year during the annual restaurant inspection.  
30 The outdoor dining permit may be revoked by the Village Manager at any time on  
31 14 days' notice for failure to comply with the regulations set forth in this  
32 subsection;
- 33           13. The outdoor dining area shall not be enclosed on more than two sides with walls if  
34 roofed over;
- 35           14. The outdoor dining area must be located on a surface approved by the Village  
36 Manger or designee;
- 37           15. The outdoor dining area shall not be located in a required parking space or block  
38 a public sidewalk;
- 39           16. The outdoor dining shall be on the same lot or within a development that received  
40 site plan approval as its associated food service establishment;
- 41           17. The petitioners shall comply with all Federal and State statutes, laws, rules and

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1 regulations and all Village codes, ordinances, rules, and regulations;

2 18. Failure to abide by any and all terms of this Ordinance shall be cause for the  
3 Village to initiate hearings to determine whether the subject Ordinance, as well as  
4 any applicable business licenses, should be revised or revoked; and

5 19. The petitioners shall pay all costs related to any hearings conducted as a result of  
6 non-compliance with any of the provisions of the enabling ordinance. The costs  
7 shall include but not be limited to court reporter fees, attorney fees, and staff time  
8 required researching and conducting said hearing.

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

12 **Section 3:** That this Ordinance shall be in full force and effect from and after its  
13 passage, approval and recordation as provided by law.  
14

**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.

Prashant Shah

Skokie Village Clerk  
 Cook County, Illinois

(seal)