



Doc#: 1429656049 Fee: \$46.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 10/23/2014 01:11 PM Pg: 1 of 5

NOTICE OF APPROVAL

An ordinance granting a special use permit to allow outdoor dining at 3304 Touhy Avenue, Skokie, Illinois in a B2 Commercial district was approved by the Board of Trustees of the Village of Skokie on October 6, 2014. 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 **3304 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 7th day of October, 2014.

NRG Touhy McCormick, LLC

*By Centrum Skokie Manager, LLC
its Manager*



Signature

Graham Palmer

Print name

Manager

Title

Centrum Partners LLC

Company

225 W Hubbard 4th floor

Address

Chicago, IL 60654

City, State, Zip

312-832-2500

Phone Number

Plan Commission Case Number 2014-14P
Special Use Permit Number 469.01
Village Ordinance Number 14-10-Z- 4099

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Exhibit 1

MML: *10/6/14
PC: 2014-14P
SUP: 469.01

THIS ORDINANCE MAY BE CITED AS
VILLAGE ORDINANCE NUMBER
14-10-Z-4099

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING AT 3304 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT

WHEREAS, the owner of the following described real property:

PARCEL 1:
THAT PART OF THE SOUTH EAST ¼ OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13
EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT IN THE SOUTH LINE OF SAID SECTION 26 WHICH IS 660
FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; AND RUNNING THENCE
WEST ALONG SAID SECTION LINE FOR A DISTANCE OF 856.85 FEET TO A POINT
WHICH IS 460 FEET EAST OF THE WEST LINE OF THE SOUTH ½ OF THE WEST ½ OF
SAID SOUTH EAST ¼ OF SAID SECTION 26 (MEASURED ALONG SAID SECTION LINE);
THENCE NORTH PARALLEL WITH SAID WEST LINE A DISTANCE OF 500 FEET TO A
POINT; THENCE EAST PARALLEL TO SAID SOUTH LINE OF SAID SECTION 26, A
DISTANCE OF 856.28 FEET TO THE POINT OF INTERSECTION OF SAID PARALLEL LINE
WITH A LINE WHICH IS 660 FEET WEST OF (MEASURED ON THE SOUTH LINE OF SAID
SECTION) THE EAST LINE OF SAID SECTION 26; THENCE SOUTH ON SAID LAST
DESCRIBED LINE A DISTANCE OF 500 FEET TO THE PLACE OF BEGINNING, (EXCEPT
THAT PART TAKEN FOR TOUHY AVENUE AS PER DOCUMENT NUMBER 89300294, IN
COOK COUNTY, ILLINOIS.

PARCEL 2:
NON-EXCLUSIVE, PERPETUAL EASEMENT FOR THE BENEFIT OF PARCEL 1 AS CREATED
BY EASEMENT AGREEMENT RECORDED DECEMBER 30, 2013 AS DOCUMENT NUMBER
99616231 DESCRIBED AS FOLLOWS:
BEGINNING AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID LOT; THENCE
SOUTH 89 DEGREES 05 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF
SAID LOT, 245.00 FEET; THENCE NORTH 00 DEGREES 54 MINUTES 24 SECONDS WEST,
ALONG A LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE, 70.00 FEET TO A
LINE 70.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID LOT; THENCE
NORTH 89 DEGREES 05 MINUTES 36 SECONDS EAST, ALONG SAID PARALLEL LINE
246.83 FEET TO THE WEST LINE OF MCCORMICK BOULEVARD AS SHOWN ON
DOCUMENT 89300294, SAID LINE BEING 29.77 FEET WEST OF AND PARALLEL WITH
THE CENTERLINE OF MCCORMICK BOULEVARD; THENCE SOUTH 00 DEGREES 35
MINUTES 25 SECONDS WEST, ALONG SAID WEST LINE, 70.02 FEET TO THE POINT OF
BEGINNING.

PIN: 10-26-403-002-0000

more commonly described as 3304-2212 Touhy Avenue, Skokie, Illinois (the "Subject
Property"), petitioned the Village of Skokie for a special use permit to allow outdoor dining at
3304 Touhy Avenue (the "Subject Site") in a B2 Commercial district; and

WHEREAS, the Subject Site is included in the previously approved planned development
known as the Skokie Commons; and

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1 **WHEREAS**, a new Noodles & Company restaurant is being proposed for the Subject Site
2 which is a permitted use in a B2 Commercial district; however, the outdoor dining component
3 requires a special use permit; and

4 **WHEREAS**, the restaurant will be occupying the easternmost tenant space in Skokie
5 Commons multi-tenant building. The proposed outdoor dining area will be set back from the front
6 entrance with six (6) tables enclosed by a wrought iron fence; and

7 **WHEREAS**, the seasonal dates for outdoor dining shall be limited to April 1st through
8 October 31st. Daily hours shall be limited to 8:00 AM to 10:00 PM; and

9 **WHEREAS**, at its July 9, 2014 meeting, the Appearance Commission reviewed and
10 approved the outdoor dining layout, furnishings and fence; and

11 **WHEREAS** the Skokie Plan Commission, at a public hearing duly held on September 2,
12 2014, for which proper legal notice had been achieved and no interested parties appeared, (a)
13 made the appropriate findings of fact as required under Section 118-6(f) of the Skokie Village Code
14 and (b) voted to recommend to the Mayor and Board of Trustees that the requested special use
15 permit be granted subject to the conditions contained in the Plan Commission Report dated
16 September 2, 2014; and

17 **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on September
18 2, 2014, concurred in the aforesaid recommendations and findings of fact of the Skokie Plan
19 Commission;

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

22 **Section 1:** That the special use permit requested by the petitioner to allow outdoor
23 dining at the Subject Site, described above and commonly known as 3304 Touhy Avenue, Skokie,
24 Illinois, in a B2 Commercial district, be and the same is hereby granted and approved subject to
25 each of the conditions set forth below:

- 26 1. The petitioner shall operate and maintain the outdoor dining area in substantial
27 conformance with the Floor Plan, dated May 27, 2014;
- 28 2. At least once during every 4 hours of operation and before opening and closing of
29 the business, employees shall patrol the Subject Site and clear it of debris;
- 30 3. Barriers, fencing, landscaping and other features shall be utilized to define the
31 outdoor dining area;
- 32 4. Hours of operation for the outdoor dining shall be limited to between 8:00 AM and
33 10:00 PM, but not longer than the posted operational hours of the associated food
34 service facility;
- 35 5. Dates of operation shall be limited to between April 1 and October 31 in a
36 calendar year;
- 37 6. Outdoor dining areas shall be exempt from the parking regulations if used or set
38 up less than 7 months in a calendar year;
- 39 7. All food preparation must take place inside the associated food service
40 establishment;
- 41 8. Adequate refuse disposal shall exist as determined by the Health Department;

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9. Advertising or promotional features shall be limited to the Noodles logo or Noodles name on umbrellas or canopies, unless otherwise approved by the Appearance Commission;
10. All applicable Village and State health requirements shall be met;
11. Dining areas will be reviewed each year during the annual restaurant inspection. The outdoor dining permit may be revoked by the Village Manager at any time on 14 days' notice for failure to comply with the regulations set forth in this subsection;
12. The outdoor dining area shall not be enclosed on more than two sides with walls, if roofed over;
13. The outdoor dining area must be located on a surface approved by the Village Manager or designee;
14. The outdoor dining area shall not be located in a required parking space or block a public sidewalk;
15. The outdoor dining area shall be on the same lot or within a development that received site plan approval as its associated food service establishment;
16. The petitioners shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules and regulations;
17. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked; and
18. The petitioners shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees and staff time required researching and conducting said hearing.

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

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 6th day of October, 2014.

Ayes: 6 (Bromberg, Gray-Keeler, Klein,
Sutker, Ulrich, Van Dusen)
Nays: 0
Absent: 1 (Roberts)

SYLVIA LUKE
Deputy Village Clerk

Attested and filed in my
office this 7th day of
October, 2014.

Approved by me this 6th day of
October, 2014.

SYLVIA LUKE
Deputy Village Clerk

George Van Dusen
Mayor, Village of Skokie

