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## NOTICE OF APPROVAL

An ordinance granting a special use permit to allow outdoor dining at 3312 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.

Doc#: 1429656050 Fee: \$46.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 10/23/2014 01:13 PM Pg: 1 of 5

**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 **3312 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 7<sup>th</sup> day of October, 2014.

NRG Touhy McCormick, LLC  
By Centrum Skokie Manager, LLC,  
Its Manager

Signature

Print name

Title

Company

Address

City, State, Zip

Phone Number

Plan Commission Case Number 2013-18P  
Special Use Permit Number 468.01  
Village Ordinance Number 14-10-Z-4100

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## Exhibit 1

MML: \*10/6/14  
 PC: 2013-18P  
 SUP: 468.01

THIS ORDINANCE MAY BE CITED AS  
 VILLAGE ORDINANCE NUMBER

14-10-Z-4100

### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING AT 3312 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT**

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

2 **PARCEL 1:**

3 THAT PART OF THE SOUTH EAST  $\frac{1}{4}$  OF SECTION 26, TOWNSHIP 41 NORTH,  
 4 RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
 5 COMMENCING AT A POINT IN THE SOUTH LINE OF SAID SECTION 26 WHICH IS 660  
 6 FEET WEST OF THE SOUTHEAST CORNER OF SAID SECTION; AND RUNNING  
 7 THENCE WEST ALONG SAID SECTION LINE FOR A DISTANCE OF 856.85 FEET TO A  
 8 POINT WHICH IS 460 FEET EAST OF THE WEST LINE OF THE SOUTH  $\frac{1}{2}$  OF THE  
 9 WEST  $\frac{1}{2}$  OF SAID SOUTH EAST  $\frac{1}{4}$  OF SAID SECTION 26 (MEASURED ALONG SAID  
 10 SECTION LINE); THENCE NORTH PARALLEL WITH SAID WEST LINE A DISTANCE OF  
 11 500 FEET TO A POINT; THENCE EAST PARALLEL TO SAID SOUTH LINE OF SAID  
 12 SECTION 26, A DISTANCE OF 856.28 FEET TO THE POINT OF INTERSECTION OF  
 13 SAID PARALLEL LINE WITH A LINE WHICH IS 660 FEET WEST OF (MEASURED ON  
 14 THE SOUTH LINE OF SAID SECTION) THE EAST LINE OF SAID SECTION 26;  
 15 THENCE SOUTH ON SAID LAST DESCRIBED LINE A DISTANCE OF 500 FEET TO  
 16 THE PLACE OF BEGINNING, (EXCEPT THAT PART TAKEN FOR TOUHY AVENUE AS  
 17 PER DOCUMENT NUMBER 89300294, IN COOK COUNTY, ILLINOIS.

18 **PARCEL 2:**

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

33 PIN: 10-26-403-002-0000

34 more commonly described as 3304-3312 Touhy Avenue, Skokie, Illinois (the "Subject  
 35 Property"), petitioned the Village of Skokie for a special use permit to allow outdoor dining at  
 36 3312 Touhy Avenue (the "Subject Site") in a B2 Commercial district; and

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

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1           **WHEREAS**, a new Starbucks limited service restaurant is being proposed for the Subject  
2 Site 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 proposed outdoor dining area will be located on the south side of a multi-  
5 tenant building in the Skokie Commons and enclosed with fencing; and

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

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

10           **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on June 6, 2013,  
11 for which proper legal notice had been achieved and no interested parties appeared, (a) made the  
12 appropriate findings of fact as required under Section 118-33(2) of the Skokie Village Code and (b)  
13 voted to recommend to the Mayor and Board of Trustees that the requested special use permit be  
14 granted subject to the conditions contained in the Plan Commission Report dated September 2,  
15 2014; and

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

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

21           **Section 1:** That the special use permit requested by the petitioner to allow outdoor  
22 dining at the Subject Site, described above and commonly known as 3312 Touhy Avenue, Skokie,  
23 Illinois, in a B2 Commercial district be and the same is hereby granted and approved subject to  
24 each of the conditions set forth below:

- 25           1. The petitioner shall operate and maintain the outdoor dining area in substantial  
26 conformance with a revised outdoor dining plan, dated July 9, 2014;
- 27           2. At least once during every 4 hours of operation and before opening and closing of  
28 the business, employees shall patrol the Subject Site and clear it of debris;
- 29           3. Barriers, fencing, landscaping, and other features shall be utilized to define the  
30 outdoor dining area;
- 31           4. Hours of operation for the outdoor dining shall be limited to between 8:00 AM and  
32 10:00 PM, but not longer than the posted operational hours of the associated food  
33 service facility;
- 34           5. Dates of operation shall be limited to limited to between April 1 and October 31 in  
35 a calendar year;
- 36           6. Outdoor dining areas shall be exempt from the parking regulations if used or set  
37 up less than 7 months in a calendar year;
- 38           7. All food preparation must take place inside the associated food service  
39 establishment;
- 40           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 umbrellas or canopies;
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)

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

Sylvia Luke  
Deputy Village Clerk

Sylvia Luke  
Deputy Village Clerk

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

George Van Dusen  
Mayor, Village of Skokie

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STATE OF ILLINOIS)  
  )SS  
COUNTY OF COOK)

I, ~~PRAMOD SHAH~~ <sup>SKIVA LUKE</sup> DO HEREBY CERTIFY that I am the regularly elected and acting <sup>Deputy</sup> 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 6th day of October, 2014 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 7th day of October, 2014, and was approved by the Mayor and Board of Trustees on the 6th day of October, 2014.

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 7th day of October, 2014.

*Skiva Luke*  
\_\_\_\_\_  
Deputy  
Skokie Village Clerk  
Cook County, Illinois

(seal)