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Date: 03/27/2015 03:38 PM Pg: 1 of 16

## Ordinance 2015-13

### An Ordinance Granting Special Permit Approval For a Self-Storage Warehouse Facility (2121 Shermer Road – Metro Self Storage) (Plan Commission Docket No. 14-17)

Passed by the Board of Trustees, 2/24/2015  
Printed and Published 2/25/15

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees  
VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

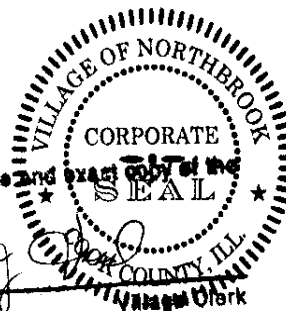
I hereby certify that this document  
was properly published on the date  
stated above.

/s/ Debra J. Ford  
Village Clerk

I hereby certify this to be a true and exact copy of the original

3-19-15  
Date

Debra J. Ford  
Village Clerk



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## Ordinance 2015-13

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

### **An Ordinance Granting Special Permit Approval For a Self-Storage Warehouse Facility (2121 Shermer Road – Metro Self Storage) (Plan Commission Docket No. 14-17)**

shall be, and is hereby, adopted as follows:

#### Section 1. BACKGROUND.

Metro Storage LLC ("**Applicant**") and proposes to redevelop the parcel of real estate known as 2121 Shermer Road ("**Subject Property**") with an approximately 98,000 square foot self-storage warehouse facility ("**Facility**"). John Park and Yuk Bin Park are the owners ("**Owners**") of the Subject Property and have consented to the Applicant's request. The Applicant proposes to assign its purchase contract to Metro Storage Northbrook LLC, which will own and operate the Facility ("**Operator**").

The Applicant has requested special permits pursuant to Northbrook's Zoning Code (1988), as amended ("**Zoning Code**") on behalf of the Operator, to allow (i) the operation of the Facility as a self-storage warehouse facility and (ii) the expansion of the existing structure on the Subject Property to have an FAR of 0.73 ("**Requested Relief**"). On February 24, 2015 the Village President and Board of Trustees adopted Ordinance 2015-12, amending the Village's District Zoning Map and rezoning the Subject Property from the I-1 Limited Industrial District to the ICS Industrial and Commercial Services District.

The President and the Board of Trustees have determined that it is in the best interest of the Village and its residents to grant the Applicant the Requested Relief in accordance with the terms and conditions of this Ordinance.

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## Section 2. DESCRIPTION OF PROPERTY.

The Subject Property is commonly known 2121 Shermer Road, which is legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance. The Subject Property is located within the ICS Industrial and Commercial Services District.

## Section 3. PUBLIC MEETINGS & HEARINGS.

A public notice for the Applicant's Requested Relief was duly published on December 18, 2014 in the *Northbrook Star* and a public hearing was held at the Plan Commission's regular meeting on January 6, 2015. On February 3, 2015, the Plan Commission formally adopted Resolution No. 15-PC-02 recommending approval of the Requested Relief.

## Section 4. SPECIAL PERMITS.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 6 of this Ordinance, the following special permits are hereby granted to the Operator for the Property in accordance with and pursuant to Section 11-602 of the Code and the home rule powers of the Village of Northbrook:

- A. A Special Permit for a Self-Storage Warehouse Within a Single, Climate Controlled Building, But Excluding Mini-Warehouses (Village SIC Code 4225.01); and
- B. A Special Permit to Allow a Floor Area Ratio (FAR) of 0.73 on the Subject Property (Village SIC Code 9970.06).

## Section 5. SITE PLAN APPROVAL.

Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 6 of this Ordinance, the Site Plan for the Subject Property, consisting of **Exhibit B** of this Ordinance, incorporated by reference in Section 7 of this Ordinance shall be, and is hereby, approved in accordance with and pursuant to Section 11-604 of the Zoning Code and the home rule powers of the Village.

## Section 6. SPECIAL PERMITS AND SITE PLAN CONDITIONS.

The special permits granted in Section 4 and the site plan approval granted in Section 5 of this Ordinance are contingent upon the development, use, and maintenance of the Subject Property being in substantial compliance with the following terms, conditions, and provisions:

A. Compliance with Plans and Codes. The development use, and maintenance of the Subject Property shall be in strict compliance with the following documents and plans, except for minor changes and site work approved by the Director of Development and Planning Services and the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village codes, ordinances, and standards.

1. Site Plan, prepared by Urban & Associates Architects Inc., consisting of one page, with the most recent revision date of October 14, 2014, which is attached to, and by this reference made a part of this Ordinance, as **Exhibit B**;
2. Elevations, prepared by Urban & Associates Architects Inc., consisting of two pages, with the most recent revision date of August 14, 2014, which is attached to, and by this reference made a part of this Ordinance, as **Exhibit C**; and

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3. Landscape Plan, prepared by Teska and Associates, consisting of two pages, with the most recent revisions date of December 23, 2014, which is attached to, and by this reference made a part of this Ordinance, as *Exhibit D*.
- B. Hours of Operation. The permitted hours of operation for the Facility are Monday thru Sunday 6:00 a.m. to 10:00 p.m.
- C. Maximum Number of Storage Units. No more than 843 storage units may be constructed on the Subject Property.

## Section 7. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant or the Operator to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permits granted in Section 4 and the site plan approval granted in Section 6 of this Ordinance shall, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Board of Trustees may not so revoke the special permit, the variations, and the site plan approval unless it shall first provide the Operator with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Subject Property shall be governed solely by the regulations of the ICS Industrial Commercial District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permits and the site plan approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant and Operator acknowledge that public notices and hearings have been held with respect to the adoption of this Ordinance, have considered the possibility of the revocation provided for in this Section, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Operator required by this Section has been given.

## Section 8. EFFECTIVE DATE.

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- ii. publication in pamphlet form in the manner required by law;
- iii. the filing by the Applicant and the Operator with the Village Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in the form of *Exhibit E*, attached to and made a part of this Ordinance by this reference; and
- iv. recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

B. In the event that the Applicant and Operator do not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 8.A.iii of this Ordinance within 90 days after the date of passage of this Ordinance by the President and Board of

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Trustees, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect

Adopted: 2/24/2015

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	James Karagianis, Trustee
<b>SECONDER:</b>	Todd Heller, Trustee
<b>AYES:</b>	Karagianis, Buehler, Scolaro, Heller, Ciesla, Israel, Frum

ATTEST:

/s/ Debra J. Ford  
Village Clerk

/s/ Sandra E. Frum  
Village President

Property of Cook County Clerk's Office

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## EXHIBIT A

### LEGAL DESCRIPTION OF PROPERTY

LOT 1 IN SAFCO LOT CONSOLIDATION OF LOTS 1, 2, AND 3 IN GLENBROOK INDUSTRIAL PARK UNIT NO. 1 A SUBDIVISION IN SECTION 15, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 04-15-301-021-0000

Commonly known as 2121 Shermer Road, Northbrook, IL

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## EXHIBIT E

### Unconditional Agreement and Consent of Applicant and Operator

TO: The Village of Northbrook, Illinois ("**Village**");

WHEREAS, Metro Storage LLC ("**Applicant**") and proposes to redevelop the parcel of real estate known as 2121 Shermer Road ("**Subject Property**") with an approximately 98,000 square foot self-storage warehouse facility ("**Facility**"); and

WHEREAS, the Applicant proposes to assign its purchase contract to Metro Storage Northbrook LLC, which will own and operate the Facility ("**Operator**"); and

WHEREAS, the Applicant has requested special permits pursuant to Northbrook's Zoning Code (1968), as amended ("**Zoning Code**") on behalf of the Operator, to allow (i) the operation of the Facility as a self-storage warehouse facility and (ii) the expansion of the existing structure on the Subject Property to have an FAR of 0.73 ("**Requested Relief**"); and

WHEREAS, Ordinance No. 15-13, adopted by the President and Board of Trustees of the Village of Northbrook on February 24, 2015 ("**Ordinance**"), grants approval of such Requested Relief for the benefit of Applicant and the Operator; and

WHEREAS, Applicant and the Operator desire to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance;

NOW, THEREFORE, Applicant and Operator do hereby agree and covenant as follows:

1. Applicant and Operator shall, and do hereby unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. 2015-13, adopted by the Village Board of Trustees on February 24, 2015.
2. Applicant and Operator acknowledge and agree that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the Village's review and approval of any such plans and issuance of any such permits do not, and shall not, in any way, be deemed to insure Applicant or Operator against damage or injury of any kind and at any time.
3. Applicant and Operator acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to Operator required by Section 7 of the Ordinance is given.
4. Applicant and Operator agree to and do hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the Village's review and approval of any plans and issuance of any permits,

EXHIBIT E

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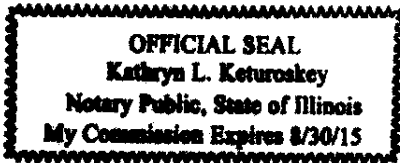
(b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Applicant and Operator of their obligations under this Unconditional Consent and Agreement.

5. Applicant and Operator shall, and do hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Consent and Agreement. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.
6. Applicant warrants and represents to the Village that it is the contract purchaser of the Subject Property and the Operator warrants and represents that it is the contractual assignee of title to the Subject Property from Applicant and consents to the recording of the Ordinance against the Subject Property.

**METRO STORAGE LLC**, a Delaware limited liability company

By: *M. J. Gallagher*  
Its: \_\_\_\_\_  
**MARTIN J. GALLAGHER**  
**PRESIDENT**

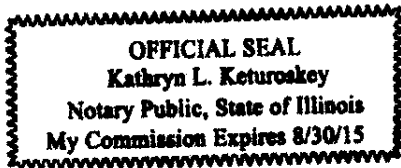
SUBSCRIBED and SWORN to  
before me this 11<sup>th</sup> day of  
March, 2015.



**METRO STORAGE NORTHBROOK LLC**, a Delaware limited liability company

By: *M. J. Gallagher*  
Its: \_\_\_\_\_  
**MARTIN J. GALLAGHER**  
**PRESIDENT**

SUBSCRIBED and SWORN to  
before me this 11<sup>th</sup> day of  
March, 2015.





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**OVERSIZE  
EXHIBIT**

**FORWARD ORIGINAL  
DOCUMENT TO PLAT  
COUNTER IMMEDIATELY  
AFTER RECORDING FOR  
SCANNING**