

# UNOFFICIAL COPY

## NOTICE OF APPROVAL

An ordinance granting a special use permit to establish and operate a limited service restaurant with a drive-through at 5211 Touhy Avenue, Skokie, Illinois in a B2 Commercial district, and relief from Chapter 82, Section 82-28(b)(1)a of the Skokie Village Code was approved by the Board of Trustees of the Village of Skokie on March 7, 2016. The approval granted is shown on the document attached hereto, marked Exhibit "1" and hereby made a part of this Notice of Approval.



Doc#: 1613950181 Fee: \$48.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/18/2016 01:36 PM Pg: 1 of 6

**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 **5211 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 5th day of May, 2016.

**GW Fidelity 2E LLC**

*Michael Gritz*  
Signature

Michael Gritz  
Print name

Manager  
Title

GW Properties  
Company

2211 N. Elston, Suite  
Address

Chicago, IL 60614  
City, State, Zip

773-382-0590  
Phone Number

Plan Commission Case Number 2015-46P  
Special Use Permit Number 502.01  
Village Ordinance Number 16-3-Z-4212

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MML: \*3/7/16  
 PC: 2015-46P  
 SUP: 502.01

## Exhibit 1

THIS ORDINANCE MAY BE CITED AS  
 VILLAGE ORDINANCE NUMBER

**16-3-Z-4212**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ESTABLISH  
 AND OPERATE A LIMITED SERVICE RESTAURANT WITH A DRIVE-  
 THROUGH AT 5211 TOUHY AVENUE, SKOKIE, ILLINOIS IN A  
 B2 COMMERCIAL DISTRICT, AND RELIEF FROM CHAPTER 82,  
 SECTION 82-28(b)(1)a OF THE SKOKIE VILLAGE CODE**

**WHEREAS**, the owner (hereinafter "Petitioner") of the following described real property:

PARCEL 1:

THE EAST 220 FEET (EXCEPT THE EAST 33 FEET THEREOF DEDICATED FOR PUBLIC STREET (LARAMIE AVENUE) BY PLAT OF DEDICATION RECORDED MARCH 22, 1976 AS DOCUMENT NO. 23424206) OF LOT 1 OF ASSESSOR'S DIVISION, ALSO KNOWN AS LOT 14 OF COUNTY CLERK'S SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 100 FEET OF THE EAST 320 FEET OF LOT OF ASSESSOR'S DIVISION ALSO KNOWN AS LOT 14 IN COUNTY CLERK'S DIVISION, IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THE WEST 120 FEET OF THE WEST 220 FEET OF THE EAST 440 FEET OF LOT 1 OF ASSESSOR'S DIVISION; ALSO KNOWN AS LOT 14 IN COUNTY CLERK'S DIVISION, BEING THE NORTH 3 CHAINS OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS: 10-33-101-014-0000, 10-33-101-015-0000

more commonly described as 5201-5239 Touhy Avenue, Skokie, Illinois (hereinafter "Subject Property"), petitioned the Village of Skokie for a special use permit to establish and operate a limited service restaurant with a drive-through at 5211 Touhy Avenue (hereinafter "Subject Site") in a B2 Commercial district; and

**WHEREAS**, the Subject Site is referenced in the site plan approval proposed in companion Plan Commission Case 2015-45P for a planned development at the Subject Property; and

**WHEREAS**, the Petitioner proposes to construct a Starbucks, with a drive-through lane, to occupy the eastern 2,015 square feet of the 6,900 square foot Building B referenced in Plan Commission Case 2015-45P; and

**WHEREAS**, the single drive-through lane will wrap around the west, south and east sides of the building and will be able to accommodate stacking for up to 15 vehicles. The hours of operation will be from 5:00 a.m. to 10:00 p.m. seven days a week; and

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1           **WHEREAS**, at the Skokie Appearance Commission meeting, on November 11, 2015,  
2           Petitioner also requested relief from Section 82-28(c)(1), in order to allow more than one wall  
3           sign facing a street frontage per occupancy; and

4           **WHEREAS**, at a public hearing of the Skokie Plan Commission duly held on December  
5           17, 2015, for which proper legal notice had been achieved, several commissioners had  
6           questions regarding employee parking, outdoor trash containers and sound from the drive-  
7           through speaker. No other interested parties appeared; and

8           **WHEREAS**, after all discussion, the Skokie Plan Commission (a) made the appropriate  
9           findings of fact as required under Section 118-6(f) of the Skokie Village Code, (b) voted to  
10          recommend that relief be granted from Chapter 82, Section 82-28(b)(1)a of the Skokie Village  
11          Code to allow more than one wall sign facing a street frontage per occupancy, and (c) voted to  
12          recommend to the Mayor and Board of Trustees that the requested special use permit be  
13          granted subject to the conditions contained in the Plan Commission Report dated February 1,  
14          2016; and

15          **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on  
16          February 1, 2016, concurred in the aforesaid recommendations and findings of fact of the  
17          Skokie Plan Commission;

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

20          **Section 1:** That the special use permit requested by the Petitioner to establish and  
21          operate a limited service restaurant with a drive-through at the Subject Site, described above  
22          and commonly known as 5211 Touhy Avenue, Skokie, Illinois, in a B2 Commercial district, be  
23          and the same is hereby granted and approved subject to each of the conditions set forth  
24          below:

- 25           1. The Petitioner shall develop the Subject Property in substantial conformance  
26           with the final Village approved site plan dated January 20, 2016, Starbucks  
27           site plan dated received December 10, 2015, enlarged site plan dated  
28           received December 10, 2015, floor plan received January 21, 2016, landscape  
29           plan dated January 20, 2016, and elevations dated December 3, 2015;
- 30           2. Any proposed modification to hours of operation for the drive through, which  
31           entails an earlier start time than 5:00 a.m. or a later end time than 10:00 p.m.,  
32           shall require a full public hearing process for an amendment to the special use  
33           permit;
- 34           3. At least once during every 4 hours of operation and before opening and  
35           closing of the business, employees shall patrol the Subject Site and clear it of  
36           debris;
- 37           4. The Petitioner shall implement any necessary operational improvements to  
38           ensure that stacking of vehicles within the drive-through lane will be contained  
39           on site and not impede or obstruct pedestrian or vehicular movements;
- 40           5. All fencing, walls, sidewalks, driveways, curbs, wheel stops, parking areas,  
41           signage, landscaping, structures, and any other facilities or infrastructure on

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- 1 the Subject Property must be maintained in a good state of repair, and when  
2 needed, be repaired or replaced in a timely manner;
- 3 6. Parking lot and exterior lighting must meet IES standards, be full cut-off design  
4 and be directed away from adjacent properties, subject to the approval of the  
5 Engineering Division;
- 6 7. Any outdoor sound systems shall at all times maintain audio levels that are  
7 compliant with the Skokie Village Code;
- 8 8. All existing damaged public sidewalks or public sidewalks damaged due to the  
9 implementation of this plan shall be replaced;
- 10 9. All objects and landscaping within a 15-foot sight distance triangle shall not  
11 exceed 30 inches in height, except traffic control devices listed in the Manual  
12 on Uniform Traffic Control Devices;
- 13 10. A screened garbage corral with an impermeable surface shall be provided to  
14 contain all dumpsters;
- 15 11. Waste receptacles shall be placed on the Subject Property for the use of  
16 customers, and that the Health Department shall determine the size, type, and  
17 location of these units;
- 18 12. All off-street parking spaces must be legibly striped and maintained;
- 19 13. All modifications to building elevations, signage, and landscaping shall be  
20 subject to the review and approval of the Skokie Appearance Commission;
- 21 14. The Petitioner shall obtain all required permits and approvals for  
22 improvements to County, State, or Federal rights-of-way from the governing  
23 jurisdiction;
- 24 15. The Subject Property must conform to the Village's storm water control  
25 requirements as contained in the Skokie Village Code, including the  
26 disconnection of any downspouts;
- 27 16. All signage must conform to the Skokie Village Code. Any sign on the Subject  
28 Property that is in violation of that Code must be removed or modified to  
29 conform with the Village Code prior to the issuance of an occupancy permit;
- 30 17. Vehicles shall not be allowed to be parked in or otherwise block common  
31 driveways, sidewalks, aisles, or other points of access at any time, shall only  
32 be parked in designated parking spaces, and shall not overlap the striped lines  
33 of designated parking spaces;
- 34 18. The owner of the Subject Property and its tenant shall ensure that employees  
35 park on the Subject Property;
- 36 19. All private and public sidewalks must be maintained free of snow, ice, sleet, or  
37 other objects that may impede travel;
- 38 20. All buildings must meet current International Building and NFPA Life Safety  
39 Codes as amended;
- 40 21. Prior to the issuance of building permits, the petitioners must submit to the  
41 Planning Division of the Community Development Department the name,

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1 address, and telephone number of the company and contact person  
2 responsible for site maintenance in compliance with the special use permit;

3 22. If work is to be performed on public property or if public property is utilized or  
4 impacted during construction and/or development, the owner shall provide, or  
5 shall cause the developer and/or contractor to provide, the Village of Skokie  
6 with a certificate of insurance naming the Village of Skokie as additionally  
7 insured for any and all claims related to any and all work. The owner shall  
8 hold, and shall cause the developer and/or contractor to hold, the Village of  
9 Skokie harmless and indemnify the Village for any and all claims for property  
10 damage or personal injury related to work on or use of public property;

11 23. The Petitioners shall comply with all Federal and State statutes, laws, rules  
12 and regulations and all Village codes, ordinances, rules, and regulations;

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

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

20 **Section 2:** That relief from Chapter 82, Section 82-28(b)(1)a of the Skokie Village  
21 Code to allow more than one wall sign facing a street frontage per occupancy, is hereby  
22 approved.

23 **Section 3:** That a notice of the approval of this Ordinance incorporating the  
24 conditions contained herein shall be executed by the owner of the property in writing and  
25 duly recorded with the Cook County Recorder of Deeds Office at the owner's expense.

26 **Section 4:** That this Ordinance shall be in full force and effect from and after its  
27 passage, approval and recordation as provided by law.  
28

**ADOPTED** this 7th day of March, 2016.

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

Pramod Shah  
Village Clerk

Attested and filed in my  
office this 8th day of  
March, 2016.

Approved by me this 7th day of  
March, 2016.

Pramod Shah  
Village Clerk

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 7th day of March, 2016 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 8th day of March, 2016. and was approved by the Mayor and Board of Trustees on the 7th day of March, 2016.

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 9th day of March, 2016.

Skokie Village Clerk  
 Cook County, Illinois

(seal)