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## NOTICE OF APPROVAL

An ordinance granting a special use permit to allow outdoor dining at 5211 Touhy Avenue, Skokie, Illinois in a B2 Commercial district 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#: 1613950182 Fee: \$46.00  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 05/18/2016 01:36 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 **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**

Mitch Gritz  
Signature

Mitch Gritz  
Print name

Manager  
Title

GW Properties  
Company

2211 N. Elston, Suite 204  
Address

Chicago IL 60614  
City, State, Zip

773-382-0590  
Phone Number

Plan Commission Case Number 2015-47P  
Special Use Permit Number 503.01  
Village Ordinance Number 16-3-Z-4213

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## Exhibit 1

MML: \*3/7/16  
 PC: 2015-47P  
 SUP: 503.01

<p>THIS ORDINANCE MAY BE CITED AS          VILLAGE ORDINANCE NUMBER</p> <p><b>16-3-Z-4213</b></p>
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### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW OUTDOOR DINING AT 5211 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT**

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

2           **PARCEL 1:**

3           THE EAST 220 FEET (EXCEPT THE EAST 33 FEET THEREOF DEDICATED FOR PUBLIC STREET  
 4           (LARAMIE AVENUE) BY PLAT OF DEDICATION RECORDED MARCH 22, 1976 AS DOCUMENT NO.  
 5           23424206) OF LOT 1 OF ASSESSOR'S DIVISION, ALSO KNOWN AS LOT 14 OF COUNTY CLERK'S  
 6           SECTION 33, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN  
 7           COOK COUNTY, ILLINOIS.

8           **PARCEL 2:**

9           THE WEST 100 FEET OF THE EAST 320 FEET OF LOT OF ASSESSOR'S DIVISION ALSO KNOWN  
 10          AS LOT 14 IN COUNTY CLERK'S DIVISION, IN THE EAST ½ OF THE NORTHWEST ¼ OF SECTION  
 11          33, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK  
 12          COUNTY, ILLINOIS.

13          **PARCEL 3:**

14          THE WEST 120 FEET OF THE WEST 220 FEET OF THE EAST 440 FEET OF LOT 1 OF ASSESSOR'S  
 15          DIVISION; ALSO KNOWN AS LOT 14 IN COUNTY CLERK'S DIVISION, BEING THE NORTH 3 CHAINS  
 16          OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 33, TOWNSHIP 41 NORTH, RANGE  
 17          13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

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

19          more commonly described as 5201-5239 Touhy Avenue, Skokie, Illinois (hereinafter  
 20          "Subject Property") petitioned the Village of Skokie for a special use permit to allow outdoor  
 21          dining at 5211 Touhy Avenue (hereinafter "Subject Site") in a B2 Commercial district; and

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

25          **WHEREAS**, the Petitioner is making the request for a special use permit for outdoor  
 26          dining in conjunction with the proposal to establish and operate a Starbucks limited service  
 27          restaurant with a drive-through at the Subject Site, companion Plan Commission Case 2015-  
 28          46P; and

29          **WHEREAS**, the proposed Starbucks will be located at the eastern end of Building B as  
 30          shown on the site plan referenced in Plan Commission Case 2015-45P; and

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1           **WHEREAS**, the outdoor dining area will contain seating for up to 20 people and will be  
2 screened by a four (4) foot high steel fence on the north, east and west sides and shrubs along  
3 the north and west sides of the patio; and

4           **WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on December  
5 17, 2015, for which proper legal notice had been achieved and no interested parties appeared,  
6 (a) made the appropriate findings of fact as required under Section 118-6(f) of the Skokie  
7 Village Code and (b) voted to recommend to the Mayor and Board of Trustees that the  
8 requested special use permit be granted subject to the conditions contained in the Plan  
9 Commission Report dated February 1, 2016; and

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

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

15           **Section 1:** That the special use permit requested by the Petitioner to allow outdoor  
16 dining at the Subject Site, described above and commonly known as 5211 Touhy Avenue,  
17 Skokie, Illinois, in a B2 Commercial district, be and the same is hereby granted and approved  
18 subject to each of the conditions set forth below:

- 19           1. The Petitioner shall develop the Subject Property in substantial conformance  
20 with the final Village approved site plan dated January 20, 2016, Starbucks  
21 site plan dated received December 10, 2015, enlarged site plan dated  
22 received December 10, 2015, floor plan received January 21, 2016, landscape  
23 plan dated January 20, 2016, and elevations dated December 8, 2015;
- 24           2. Barriers, fencing, landscaping, and other features shall be utilized to define the  
25 outdoor dining area;
- 26           3. Hours of operation for the outdoor dining shall be no earlier than 8:00 AM and  
27 no later than 10:00 PM;
- 28           4. Dates of operation shall be limited to between April 1 and October 31 in a  
29 calendar year;
- 30           5. Outdoor dining areas shall be exempt from the parking regulations if used or  
31 set up less than 7 months in a calendar year;
- 32           6. All food preparation must take place inside the associated food service  
33 establishment;
- 34           7. Adequate refuse disposal shall exist as determined by the Health Department;
- 35           8. Advertising or promotional features shall be limited to the umbrellas or  
36 canopies;
- 37           9. All applicable village and state health requirements shall be met;
- 38           10. Dining areas will be reviewed each year during the annual restaurant  
39 inspection. The outdoor dining permit may be revoked by the Village Manager  
40 at any time on 14 days' notice for failure to comply with the regulations set

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forth in this subsection;

- 11. The outdoor dining area shall not be enclosed on more than two sides with walls if roofed over;
- 12. The outdoor dining area must be located on a surface approved by the Village Manager or designee;
- 13. The Petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations;
- 14. 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
- 15. The Petitioner 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 7th day of March, 2016.

Ayes: 6 (Bromberg, Gray-Keeler, Klein, Roberts,  
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

