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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 07/26/2017 03:36 PM PG: 1 OF 11

Property of Cook County Clerk's Office

Ordinance 2017-10

An Ordinance Granting a Special Permit for a Transitional Service Facility (1620 Sunset Ridge Road) (Plan Commission Docket No. 16-19C)

Passed by the Board of Trustees, 3/14/2017
Printed and Published 3/15/2017

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

RECORDING FEE 58⁰⁰
DATE 7/26/2017 COPIES led
OK BY [Signature]

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Ordinance 2017-10

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 a Special Permit for a Transitional Service Facility (1620 Sunset Ridge Road) (Plan Commission Docket No. 16-19C)

shall be, and is hereby, adopted as follows:

SECTION 1. BACKGROUND.

Providence Farm LLC ("**Applicant**") is the contract purchaser of the property commonly known as 1620 Sunset Ridge Road ("**Property**") which is owned by Anthony Ryba and Abra Berkley (the "**Owners**"). The Property is currently located within the Village's R-2 Single Family Residential District. The Applicant desires to use the Property as a Transitional Service Facility for persons recovering from alcohol or substance addiction ("**Facility**"). In order to use the Facility on the Property, the Applicant has submitted an application for relief under the Northbrook Zoning Code (1988), as amended ("**Zoning Code**") requesting a special permit for a Transitional Service Facility with more than six residents ("**Requested Relief**"). On March 14, 2017, the President and the Village Board adopted Ordinance No. 2017-9 amending provisions of the Zoning Code as it pertains to Transitional Service Facilities to allow such facilities to have up to eleven residents, including on-site live-in staff by special permit in the R-1 and R-2 Single Family Residential Districts.

The Property consists of approximately 2.25 acres and is suitable for occupancy by a large residential household or its functional equivalent.

The President and Board of Trustees hereby find that it is in the best interest of the public and the Village to grant the Applicant's Requested Relief as set forth in this Ordinance. The Requested Relief is adopted in accordance with the Zoning Code and pursuant to the Village's home rule authority.

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SECTION 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 1620 Sunset Ridge Road, which is legally described in *Exhibit A* attached to and, by this reference, made a part of this Ordinance. The Property is located within the R-2 Single Family Residential District.

SECTION 3. PUBLIC MEETINGS & HEARINGS.

A public hearing to consider the Requested Relief was duly published on November 17, 2016, in the *Northbrook Star*, and a public hearing was held before the Plan Commission on December 6, 2016 and January 17, 2017. On February 7, 2017 the Plan Commission considered a resolution making a formal recommendation for the approval of the Text Amendment (Plan Commission Resolution No. 17-PC-02). The Plan Commission voted 4-3 in favor of recommending the Requested Relief, which did not meet the required vote threshold for a positive recommendation to the Board of Trustees.

SECTION 4. SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, a special permit to allow a transitional service facility on the Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-602 of the Code and the home rule powers of the Village of Northbrook.

SECTION 5. CONDITIONS.

The special permit granted in section 4 shall be, and is hereby, expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

- A. Compliance with Plans. The Facility shall be used in compliance with the "Site Plan," prepared by Mark Eric Benner – Architects Ltd., consisting of one page, with the most recent revision date of January 17, 2017, which is attached to this Ordinance as *Exhibit B*.
- B. Number of Residents.
 - i. For the period of time ending on the date (the "*One Year Occupancy Date*") that is one year following the date on which the Facility is operating and occupied by at least one non staff resident (as evidenced by a certificate issued by the Village Manager), the maximum number of residents in the Facility shall not exceed nine, which number includes one on-site, live-in staff member.
 - ii. At any time after the One Year Occupancy Date, the maximum number of residents in the Facility may be increased from nine to 11, including one on-site, live-in staff member, provided that the Board of Trustees shall have first determined, based on a finding by the Village Manager, that there have been no violations of any of the conditions set forth in this Section Five of this Ordinance.
- C. Term. The special permit for the Facility shall be terminated on the date that is five years after the effective date of this Ordinance.
- D. Minimum Period of Tenancy. The Facility may only offer lease terms of tenancy to its residents of not less than 30 days with the exception that a lease may be immediately terminated if a resident violates any operational rule of the Facility in a manner that requires the resident to permanently leave the Property.
- E. On-Premises Gatherings. Alcohol and/or substance abuse recovery group support meetings may be conducted on the Property so long as attendance at such meetings is

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limited to residents of the Facility, their recovery program sponsors, staff members, and facilitators.

- F. No On-Premises Treatment. No form of services or treatment to individuals in recovery from alcohol and/or substance abuse that requires a license from the State of Illinois, separate from any licensure required to operate the Facility, may be provided on the Property.
- G. Designated Smoking Area. Smoking on the Property shall be limited to the outdoor areas north of the southernmost portion of the existing residence and west of the easternmost portion of the existing residence on the Property, in the area depicted on the Site Plan.
- H. Designated Parking Areas; Screening. All vehicles belonging to Facility residents and staff shall be parked on the Property no closer to Sunset Ridge Road than the existing residential structure façade facing Sunset Ridge Road, and such parking areas must be screened from view from Sunset Ridge Road either by (i) the existing residential structures, (ii) coniferous plantings, or (iii) a solid fence with a height of six feet. Guests may temporarily park vehicles along the circular driveway that runs from Sunset Ridge Road along the east side of the existing residential structure (“*Driveway*”). No vehicles may be parked in the Driveway overnight.
- I. Signage Prohibited. No external signage shall be permitted on the Property with the exception of a standard address number sign or placard on the existing residential structure and along Sunset Ridge Road frontage.
- J. Perimeter Screening. The Applicant must install additional screening along the southern boundary of the Property to provide screening to the residential parcels to the south of the Property. Screening shall be in the form of coniferous plantings or a solid fence with a height of six feet and must first be approved by the Director of Development and Planning Services prior to the Facility commencing operation; ground temperatures permitting that plantings will go in at earliest possible time.
- K. Accessibility. Prior to occupancy, the residential structure on the Property must be brought into compliance with the Illinois Accessibility Code (71 Ill. Admin. 400.100 *et seq.*) as determined by the Village’s Building Code Officer.
- L. Admission Criteria and Rules of Conduct. The Applicant has proposed that the Facility be subject to those certain and specific admission criteria and rules of conduct set forth on *Exhibit C* to this Ordinance (“*Facility Rules*”). Compliance with the Facility Rules shall be a condition of the special permit granted in this Ordinance.
- M. Inspection. The Applicant acknowledges and agrees that the Village Manager shall have the right, after reasonable notice, to enter upon and inspect the Property to determine compliance with the conditions set forth in this Section 5.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit granted in Section 4 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the Requested Relief unless it shall first provide the Applicant 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 Property shall be governed solely by the regulations of the R-2 Single Family Residential District, as the same may, from time to time, be amended. Further, in the event of such revocation of the Requested Relief, the Village Manager and Village Attorney are

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hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees 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 Applicant or its successor required by this Section is given.

SECTION 7. AMENDMENT TO SPECIAL PERMIT.

Any amendment to the special permit granted by this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in Paragraph 11-602 J of the Zoning Code.

SECTION 8. BINDING EFFECT; TRANSFERABILITY.

The privileges, obligations, and provisions of each and every Section of this Ordinance, are for the sole benefit of, and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person or entity, without a duly approved amendment to the Ordinance being adopted pursuant to the provisions of Paragraph 11-602 J.

SECTION 9. EFFECTIVE DATE.

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

1. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
2. publication in pamphlet form in the manner required by law;
3. the filing by the Applicant 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 D*, attached to and made a part of this Ordinance by this reference;
3. The Applicant acquiring fee simple title to the Property and providing evidence of such acquisition to the Village Clerk in the form of a recorded deed; and
4. 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 does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 9.A.3 of this Ordinance within 90 days after the date of passage of this Ordinance by the President and Board of 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.

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Adopted: 3/14/2017

RESULT:	ADOPTED [6 TO 1]
MOVER:	Kathryn Ciesla, Trustee
SECONDER:	Bob Israel, Trustee
AYES:	Buehler, Scolaro, Heller, Ciesla, Israel, Frum
NAYS:	James Karagianis

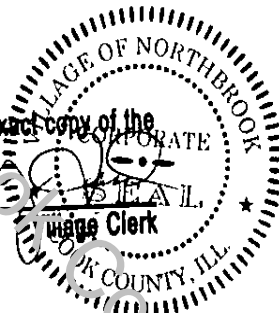
ATTEST:

/s/ Sandra E. Frum
Village President

/s/ Debra J. Ford
Village Clerk

I hereby certify this to be a true and exact copy of the original.
7-18-17
Date

[Signature]
Village Clerk



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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION; THENCE SOUTH ALONG THE EAST LINE OF SAID SECTION 14 (BEING THE CENTER LINE OF SUNSET RIDGE ROAD) 220 FEET; THENCE SOUTH 78 DEGREES 16 MINUTES WEST TO THE CENTER LINE OF MIDDLE FORK OF THE NORTH BRANCH OF THE CHICAGO RIVER; THENCE NORTHERLY ALONG WITH SAID CENTER LINE OF THE MIDDLE FORK OF THE NORTH BRANCH OF THE CHICAGO RIVER TO THE NORTH LINE OF SAID SECTION 14; THENCE EASTERLY ALONG SAID NORTH LINE OF SAID SECTION 14 445 FEET TO POINT OF BEGINNING, (EXCEPT THAT PART TAKEN FOR SUNSET RIDGE ROAD), ALL IN COOK COUNTY, ILLINOIS.

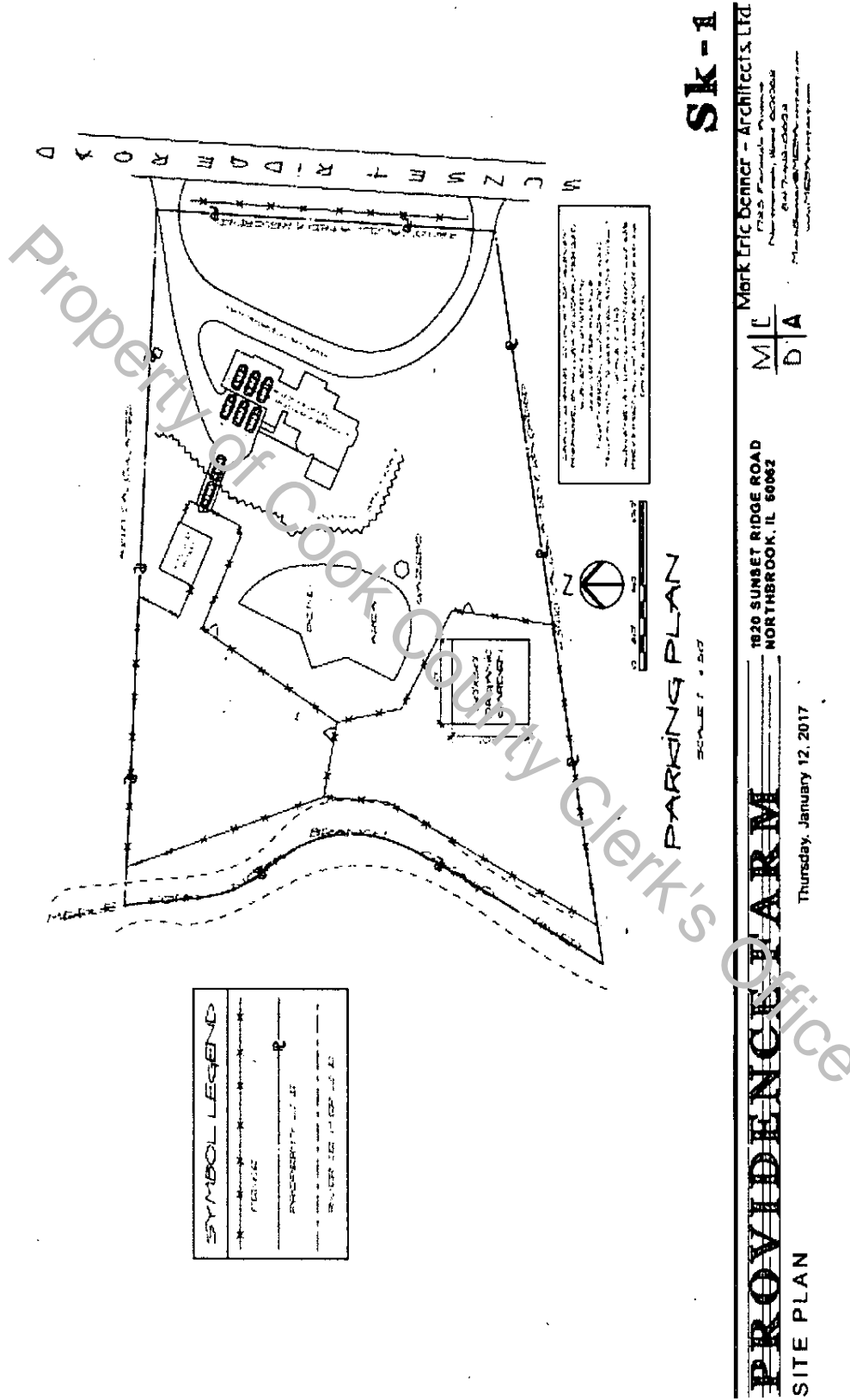
Commonly known as 1620 Sunset Ridge Road, Northbrook, Illinois

P.I.N. 04-14-201-003-0000

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EXHIBIT B

SITE PLAN



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EXHIBIT C

FACILITY RULES

Admission of, and the continued tenancy by, residents of Facility on the Property shall be subject to the following rules and standards. These rules and standards shall not apply to on-site staff residents.

Admission Criteria

- Applicants for residency (“*Applicants*”) may only be male and between the ages of 18 and 30 at the commencement of their tenancy.
- Applicants must be persons who are in recovery from alcohol or substance abuse. This includes persons who are currently enrolled in or who have recently complete a treatment program of no less than 30 days for a substance abuse disorder.
- Applicants may not be currently using alcohol or non-prescribed controlled substances and must pass a drug test to verify this.
- No Applicant who has a history of committing violent crime or Class X felonies shall be admitted as a resident.
- Applicants with criminal records including misdemeanors or non-violent crimes may be considered for residency.
- Applicants must have a referral or recommendation from a current substance abuse treatment program provider stating that applicant is an appropriate candidate for supported community living.
- Applicants must have an expressed wish to be sober and be willing to commit to follow the Facility’s rules and expectations.
- Applicants must complete a written application and participate in a clinical interview with the Facility’s executive director.
- Applicants who are residents of, or whose immediate family lives in, the Village of Northbrook will be given preference for resident slots.

Prohibited Conduct

A resident will have his tenancy terminated and be required to leave the Property for any of the following reasons:

- Vandalism or destruction of Facility property
- Threatening staff or other residents
- Possession of drugs or non-prescribed controlled substances
- Failing a drug test or breathalyzer
- Fighting or intentionally physically harming staff or other residents
- Stealing person property of Facility, staff, or other residents
- Repeated failure to comply with Facility Rules
- Violations of local ordinances, state statutes, or federal laws, whether criminal or civil in nature
- Willfully disrupting or disturbing the public in general, and specifically neighboring property owners and occupants.

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EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT OF APPLICANT AND OWNER

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

WHEREAS Providence Farm LLC ("**Applicant**") is the contractual purchaser of the property commonly known as 1620 Sunset Ridge Road, ("**Property**"); and

WHEREAS, the Applicant desires to operate a transitional service facility with more than six residents ("**Facility**"); and

WHEREAS, the Property is located within the within the R-2 Single Family Residential District, in which Transitional Service Facilities with six or more residents are only permitted by special permit use; and

WHEREAS, the Applicant has applied for a special permit to allow the operation of the Facility on the Property and the Owner has consented to the application; and

WHEREAS, Ordinance No. 17-10, adopted by the President and Board of Trustees of the Village of Northbrook on March 14, 2017 ("**Ordinance**"), grants approval of such special permit subject to certain conditions, for the benefit of Applicant; and

WHEREAS, Applicant desires 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 does hereby agree and covenant as follows:

1. Applicant shall, and does hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. 17-10, adopted by the Village Board of Trustees on March 14, 2017.
2. Applicant acknowledges and agrees 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 Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Applicant against damage or injury of any kind and at any time.
3. Applicant acknowledges 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 agrees 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 Applicant required by Section 6 of the Ordinance is given.
4. Applicant agrees to and does 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, (b) the procedures followed in connection with the adoption of the

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Ordinance, (c) the development, construction, maintenance, and use of the Property, and (d) the performance by Applicant of their obligations under this Unconditional Consent and Agreement.

- 5. Applicant shall, and does 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 owns fee simple title to the Property and consents to the recording of the Ordinance against the Property.

PROVIDENCE FARM, LLC

By: *Stephanie J. J.*
Signature

By: Stephanie J. J.
Print Name

SUBSCRIBED and SWORN to
before me this 7th day of
April, 2017.

Ma
Notary Public

