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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/17/2017 01:07 PM PG: 1 OF 12

Property of Cook County Clerk's Office

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VILLAGE OF LINCOLNWOOD

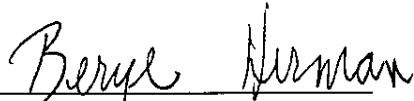
ORDINANCE NO. 2017-3290

**AN ORDINANCE AMENDING ORDINANCE NO. 2017-3265
AND APPROVING LANDSCAPING VARIATIONS IN CONNECTION WITH
THE DEVELOPMENT OF A NEW RESTAURANT BUILDING**

(6755 North Cicero Avenue)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 15th DAY OF AUGUST, 2017.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois this
15th day of August, 2017


Village Clerk

RECORDING FEE _____

DATE _____ COPIES _____

OK BY _____

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**AN ORDINANCE AMENDING ORDINANCE NO. 2017-3265
AND APPROVING LANDSCAPING VARIATIONS IN CONNECTION WITH
THE DEVELOPMENT OF A NEW RESTAURANT BUILDING**

(6755 North Cicero Avenue)

WHEREAS, Stefani Restaurant Group ("**Owner**") is the record title owner of that certain property located in the B-2 General Business Zoning District ("**B-2 District**"), commonly known as 6755 North Cicero Avenue, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Property**"); and

WHEREAS, the Property is adjacent to, and immediately west of, properties that are zoned and used for residential purposes; and

WHEREAS, on May 2, 2017, the Village President and Board of Trustees adopted Village Ordinance No. 2017-3265, approving special use permits, special sign approval, and variations for the development of a new building on the Property to be used for a restaurant; and

WHEREAS, pursuant to Section 5.B of Ordinance No. 2017-3265, the development, use, operation, and maintenance of the Property must comply with nine specific plans attached to such Ordinance as Exhibits B through J, inclusive (collectively, the "**Approved Plans**"); and

WHEREAS, pursuant to Section 6.16(1) of "The Village of Lincolnwood Zoning Ordinance", as amended ("**Zoning Ordinance**"), the lot line between the Property and the abutting residentially-zoned lots must be buffered and screened by a landscaped area having a minimum width of ten feet, or with a masonry wall and a landscaped area having a minimum width of five feet; and

WHEREAS, as depicted in the Approved Plans, the Owner initially intended to improve the east lot line of the Property with an eight-foot-tall masonry wall and a five-foot-wide landscaped area, in compliance with Section 6.16(1) of the Zoning Code; and

WHEREAS, the Owner now desires to install a five-foot-wide landscaped area along the east lot line of the Property abutting the residentially-zoned lots, with six-foot tall landscaping along the northernmost 36 feet, and an eight-foot-tall wooden fence along the remainder of the lot line (collectively, the "**Proposed Landscaping**"), in violation of Section 6.16(1) of the Zoning Ordinance; and

WHEREAS, the Owner has filed an application to amend the approvals set forth in Ordinance No. 2017-3265, and for variations from Section 6.16(1) of the Zoning Ordinance, to allow the installation of the Proposed Landscaping on the Property (collectively, the "**Requested Relief**"); and

WHEREAS, a public hearing of the Plan Commission of the Village of Lincolnwood to consider approval of the Requested Relief was duly advertised in the *Chicago Tribune* on July 14, 2017, and held on August 2, 2017; and

WHEREAS, on August 2, 2017, the Plan Commission made findings and recommendations in support of the Requested Relief, subject to specified conditions; and

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WHEREAS, the Village President and Board of Trustees have determined that the Requested Relief meets the required standards for special use permits, special signs, and variations as set forth in Article V of the Zoning Ordinance; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to grant the Requested Relief, subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. APPROVAL OF VARIATIONS. In accordance with, and pursuant to, Article V of the Zoning Ordinance and the home rule powers of the Village, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Village President and Board of Trustees hereby grant the following variations from Section 6.16(1) of the Zoning Ordinance for the Property:

- A. A variation to decrease the minimum width of the screening along the east side of the Property, from ten feet to five feet; and
- B. A variation to permit the installation of six-foot-tall landscaping along the northernmost 36 feet along the east lot line of the Property, and an eight-foot-tall wooden fence along the remainder of such lot line, in lieu of a masonry wall.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Ordinance, the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Proposed Building and of the Property must comply at all times with all applicable Village codes and ordinances, as the same have been or may be amended from time to time.
- B. Compliance with Plans. Except for minor changes and site work approved by the Village Zoning Officer or the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards, the development, use, operation, and maintenance of the Property must comply with the following plans (collectively, the "*Plans*"):
 - Landscape Plan, prepared by McCallum Associates, last revised August 9, 2017, consisting of one sheet.

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- C. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Owner must pay to the Village, promptly upon presentation of a written demand or demands therefor, all legal fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made must be made by a certified or cashier's check. Further, the Owner will be liable for, and must pay upon demand, all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

SECTION 4. CONFLICTING PROVISIONS. Except as provided otherwise in this Ordinance, all terms, provisions, and requirements of Ordinance No. 2017-3265 remain unchanged and in full force and effect. In the event of a conflict between this Ordinance and Ordinance No. 2017-3265, this Ordinance will control.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Owner and its heirs, representatives, successors, and assigns.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however that the Village President and Board of Trustees may not so revoke the approvals granted in Section 2 of this Ordinance unless they first provide the Owner with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-2 District, and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 7. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Owner after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance will remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

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SECTION 9. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the Village President and Board of Trustees in the manner required by law;
 2. Publication in pamphlet form in the manner required by law; and
 3. The filing by the Owner with the Village Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance; and
- B. In the event the Owner does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 9.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

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PASSED this 15th day of August, 2017.

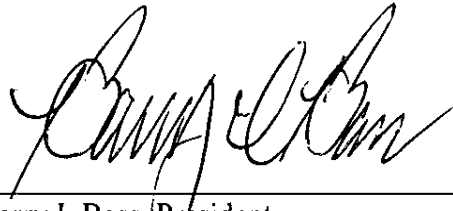
AYES: Trustees Patel, Ikezoe-Halevi, Hlepas Nickell, Spino, Sugarman

NAYS: None

ABSENT: Trustee Cope

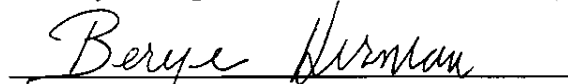
ABSTENTION: None

APPROVED by me this 15th day of August, 2017.



Barry I. Bass, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office this
15th day of August, 2017



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Parcel 1:

Lot 36 in Block 7 in Goodson and Wilson's Pratt Boulevard and Cicero Avenue Highlands, Being a Subdivision of that part lying North of the South 35 Acres of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 41 North, Range 13 East of the Third Principal Meridian, and that part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying West of the Southwesterly line of the Chicago and Northwestern Railroad Right of Way in Section 34, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Parcel 2:

That Part of the Vacated Alley lying East of and adjoining the South 16 Feet of Lot 36 in Block 7 in Goodson and Wilson's Pratt Boulevard and Cicero Avenue Highlands, Aforesaid, and lying West of the West Line of Lot 1 in Block 7 in Lincolnwood Terrace, a Subdivision in the Southwest $\frac{1}{4}$ of Fractional Section 34, Township 41 North, Range 13 East of the Third Principal Meridian, extended to its intersection with the South Line of said Lot 36, Produced East (Except that part thereof which falls both in the East $\frac{1}{2}$ of the North and South Vacated Alley and in the South $\frac{1}{2}$ of the East and West Vacated Alley) which said Alleys were vacated by an Ordinance recorded May 18, 1956 as Document 16584578, in Cook County, Illinois.

Parcel 3:

Lots 31 to 35, both inclusive, together with the West $\frac{1}{2}$ of the North and South Vacated Alley lying East of and adjoining said Lots 31 to 35, Inclusive, in Block 7 in Goodson and Wilson's Pratt Boulevard and Cicero Avenue Highlands, Being a Subdivision of that part lying North of the South 35 Acres of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 41 North, Range 13 East of the Third Principal Meridian, and that part of the West $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ lying West of the Southwesterly Line of the Chicago and Northwestern Railroad Right of Way in Section 34, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 6755 North Cicero Avenue, Lincolnwood, Illinois

P.I.N.'s: 10-34-300-001-0000, 10-34-300-006-0000, 10-34-300-007-0000, 10-34-300-008-0000, 10-34-300-009-0000 & 10-34-300-010-0000

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EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Stefani Restaurant Group ("*Owner*") is the record title owner of that certain property located in the B-2 Office Zoning District ("*B-2 District*"), commonly known as 6755 North Cicero Avenue, in the Village ("*Property*"); and

WHEREAS, Ordinance No. 2017-3290, adopted by the Village President and Board of Trustees on August 15, 2017 ("*Ordinance*"), amends Village Ordinance No. 2017-3265 and grants additional variations to the Owner in connection with the development of a new restaurant building on the Property; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, his unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Owner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have 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 a denial of any procedural right.
3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of the variations for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

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Property of Cook County Clerk's Office

Doc# 1729029071 Fee \$60.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 10/17/2017 01:07 PM PG: 1 OF 12

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

10 pgs

1 DD

12 total

\$60-