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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 05/17/2018 04:05 PM PG: 1 OF 12

THIS SPACE FOR RECORDERS USE ONLY

VILLAGE OF LINCOLNWOOD

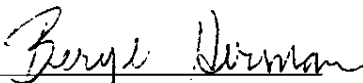
ORDINANCE NO. 2018-3333

**AN ORDINANCE AMENDING ORDINANCE NO. 2017-3265
WITH RESPECT TO THE INSTALLATION OF SIGNS 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 17th DAY OF APRIL, 2018.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois this
17th day of April, 2018


Village Clerk

RECORDING FEE 60.00
DATE 5/17/2018 COPIES 6X
OK BY [Signature]

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**AN ORDINANCE AMENDING ORDINANCE NO. 2017-3265
WITH RESPECT TO THE INSTALLATION OF SIGNS 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, 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 ("**Original Zoning Approval Ordinance**"); and

WHEREAS, on August 15, 2017, the President and Board of Trustees adopted Village Ordinance No. 2017-3250, amending the Original Special Use Ordinance and approving landscaping variations for the Property ("**August 2017 Amendatory Ordinance**"); and

WHEREAS, the Original Zoning Approval Ordinance included the authorization of a special sign, and the approval of variations, for a proposed freestanding 71.6-square-foot pole sign on the Property ("**Original Pole Sign**"); and

WHEREAS, the Original Zoning Approval Ordinance also included the approval of a variation for a proposed 16.8-square-foot wall sign on the north elevation of the proposed building on the Property ("**Original Wall Sign**"); 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, the Owner now desires to install: (i) a 50-square-foot freestanding pole sign on the Property ("**Updated Pole Sign**"), in lieu of the Original Pole Sign; and (ii) a 21.3-square-foot wall sign on the north elevation of the proposed building on the Property ("**Updated Wall Sign**"), in lieu of the Original Wall Sign; and

WHEREAS, pursuant to Section 11.10(1)iv.3 of the Zoning Ordinance, the maximum area of a pole sign is 48 square feet per sign face; and

WHEREAS, pursuant to Section 11.04(2)iii.1 of the Zoning Ordinance, the maximum sign area for a wall sign on the north elevation of the proposed building on the Property is 11 square feet; and

WHEREAS, the Owner has filed an application to amend the approvals set forth in Ordinance No. 2017-3265 to allow the installation of the Updated Pole Sign and the Updated Wall Sign on the Property (collectively, the "**Requested Relief**"); and

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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 *Lincolnwood Review* on February 15, 2018, and held on March 7 and April 4, 2018; and

WHEREAS, on April 4, 2018, the Plan Commission made findings and recommendations in support of the Requested Relief, subject to specified conditions; and

WHEREAS, the Village President and Board of Trustees have determined that the Requested Relief meets the required standards for 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 amend the Original Zoning Approval Ordinance as following:

- A. The special sign authorization granted for the Original Pole Sign is hereby amended to approve the Updated Pole Sign as a special sign.
- B. All references in the Original Zoning Approval Ordinance to the "Proposed Pole Sign" and the "Proposed Wall Sign" shall hereafter be deemed and interpreted as references to the Updated Pole Sign and the Updated Wall Sign, respectively.
- C. Section 4.E.1 of the Original Zoning Approval Ordinance is hereby amended to reduce the maximum area of the sign face of the Updated Pole Sign, from 71.6 square feet to 50 square feet.
- D. Section 4.F of the Original Zoning Approval Ordinance is hereby amended to increase the maximum size of the Updated Wall Sign, from 16.8 square feet to 21.3 square feet.
- E. The Approved Plans are hereby amended with respect to the Updated Pole Sign and the Updated Wall Sign to the extent set forth in the Revised Plan identified in Section 3.B of this Ordinance.

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

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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 that certain plan titled "Phil Stefani Osteria & Bar Sign Plans", prepared by Design Olympic Signs and consisting of two pages, with a latest revision date of January 9, 2018, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B ("Revised Plan")**.
- 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 the Original Zoning Approval Ordinance and the August 2017 Amendatory Ordinance remain unchanged and in full force and effect. In the event of a conflict between this Ordinance on the one hand, the Original Zoning Approval Ordinance and the August 2017 Amendatory Ordinance on the other hand, 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 amendments 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

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may not so revoke the amendments 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 Original Zoning Approval Ordinance and the August 2017 Amendatory Ordinance, 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 further amendments to the amendments 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.

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 17th day of April, 2018.

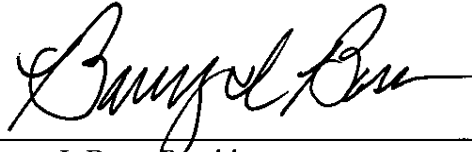
AYES: Trustees Patel, Cope, Ikezoe-Halevi, Hlepas Nickell, Spino, Sugarman

NAYS: None

ABSENT: None

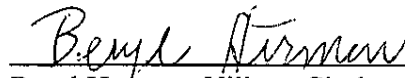
ABSTENTION: None

APPROVED by me this 17th day of April, 2018.



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

ATTESTED and FILED in my office this
17th day of April, 2018



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

#56474440_V1

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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 Y, OF THE SOUTHWEST Y. OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE WEST Y, OF THE NORTHEAST Y. OF THE SOUTHWEST Y. 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 Y. 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 Y, OF THE NORTH AND SOUTH VACATED ALLEY AND IN THE SOUTH Y, 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 Y, 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 Y, OF THE SOUTHWEST Y. OF SECTION 34, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE WEST Y, OF THE NORTHEAST Y. OF THE SOUTHWEST Y. 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 B

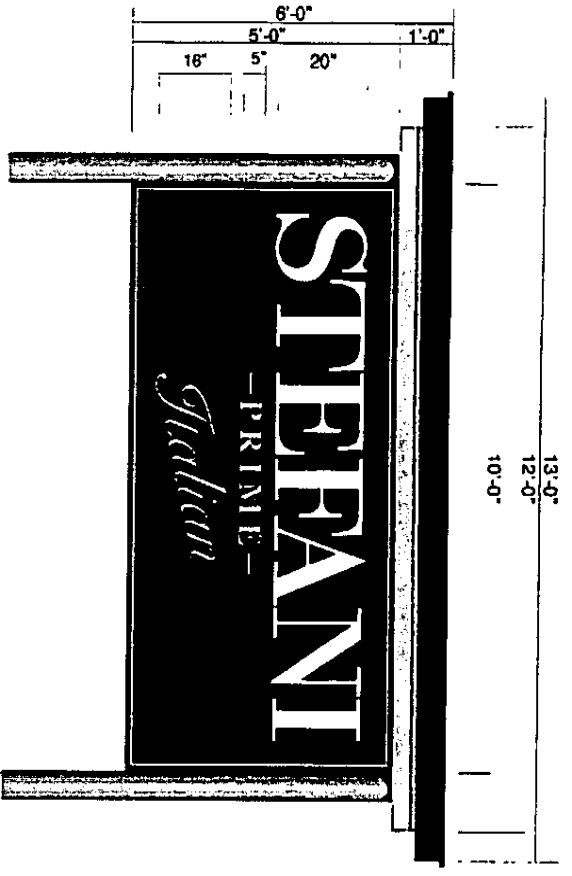
REVISED PLAN

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

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REMODEL EXISTING ILLUM D.F. PYLON SIGN

REMOVE EXISTING ROOF TOPPER AND REPLACE W/ NEW ALUMINUM CLADDING & PAINTED BLACK AND GREY NEW POLYCARBONATE FACES W/ OPAQUE BLACK VINYL GRAPHICS. REPAIR EXISTING CABINET AND RETAINERS & SUPPORT POLES BLACK.

3/8" = 1'-0"



OLYMPIC SIGNS

7130 N. GARDEN LOMBARD, IL 60148 PH.# 630.424.6100 FAX.# 630.424.6120 WWW.OLYMPICSIGNS.COM

ACCOUNT REP/SALE: PHIL STEFANI
client: PHIL STEFANI OSTERIA & BAR
7735 N. CICERO AVE. LINCOLNWOOD, IL.

drawn by: Dan S.
job #: 17-7104
11-9-17
1-18-18

Customer's Signature: _____ Date: _____
Comments: _____

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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. 2018-3333, adopted by the Village President and Board of Trustees on April 17, 2018 ("*Ordinance*"), amends Village Ordinance No. 2017-3265 in connection with the installation of signs 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 approval of the amendments 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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4. The Owner hereby agrees to 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 the Village's adoption of the Ordinance and approval of the amendments for the Property.

Dated: _____, 2018

ATTEST:

STEFANI RESTAURANT GROUP

By: _____

By:  _____

Its: _____

Its: _____

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