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EDWARD H. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 03/13/2019 03:13 PM PG: 1 OF 28

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## VILLAGE OF LINCOLNWOOD

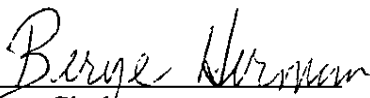
ORDINANCE NO. 2019-3377

### AN ORDINANCE APPROVING AN AMENDMENT TO THE LINCOLNWOOD TOWN CENTER PLANNED UNIT DEVELOPMENT

(6900 North McCormick Boulevard)

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF LINCOLNWOOD  
THIS 19<sup>th</sup> DAY OF FEBRUARY, 2019.

Published in pamphlet form  
by the authority of the  
President and Board of Trustees  
of the Village of Lincolnwood,  
Cook County, Illinois this  
19<sup>th</sup> day of February, 2019

  
Village Clerk

RECORDING FEE 92

DATE 3/13/19

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**AN ORDINANCE APPROVING AN AMENDMENT TO  
THE LINCOLNWOOD TOWN CENTER PLANNED UNIT DEVELOPMENT**  
(6900 North McCormick Boulevard)

WHEREAS, AJZ-Lincolnwood, LLC ("**Owner**") is the record title owner of that certain parcel of real property consisting of approximately four acres, located at the address commonly known as 6900 North McCormick Boulevard, Lincolnwood, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Property**"); and

WHEREAS, on March 3, 1988, the Village President and Board of Trustees adopted Ordinance No. 88-1801, approving the development of the Property and other nearby properties as a planned unit development for use as a shopping mall and other retail, commercial, and light industrial uses; and

WHEREAS, Ordinance No. 88-1801 was subsequently amended by the Village President and Board of Trustees pursuant to Ordinance Nos. 89-1865, 89-1889, 90-1896, 90-1901, 91-1990, 91-1994, 92-2002, 92-2016, 92-2025, 92-2027, 92-2042, 93-2102, 93-2121, 94-2127, 95-2184, 96-2267, 98-2393, 2000-077, Z2002-147, Z2003-217, Z2005-316, Z2007-361, 2007-2750, 2008-2796, 2008-2803, 2011-2791, 2015-3181, and 2019-3371 (collectively, Ordinance No. 88-1801 and its amendments are the "**Town Center PUD**"); and

WHEREAS, Ordinance No. 90-1907, adopted by the President and Board of Trustees on February 22, 1990, specifically amended the Town Center PUD to permit the development and use of the Property for an automobile sales and service center; and

WHEREAS, pursuant to the Town Center PUD, the Property is improved primarily with a building used as an automobile sales and service center ("**Existing Building**"); and

WHEREAS, the Owner desires to renovate the façades of the Existing Building, including removal and replacement of architectural features, installation of new entry features, and painting (collectively, the "**Proposed Renovations**"); and

WHEREAS, pursuant to Section 6.04(3)b of "The Village of Lincolnwood Zoning Ordinance" as amended ("**Zoning Ordinance**"), not less than 75% of each exterior building elevation of the Existing Building must be comprised of high-quality materials identified in Section 6.04(3)b of the Zoning Ordinance; and

WHEREAS, as part of the Proposed Renovations, the Owner desires to install Aluminum Composite Material on a majority of the façades of the north elevation of the Existing Building, and of the northern half of the east elevation of the Existing Building, in violation of Section 6.04(3)b of the Zoning Ordinance; and

WHEREAS, as part of the Proposed Renovations, the Owner also desires to install two wall signs on the north elevation of the Proposed Building (collectively, the "**Proposed Wall Signs**"), one of which will be 37 square feet in area and will feature the words "Buick" and "GMC" ("**Buick/GMC Sign**"); and

WHEREAS, Section 11.04(2)i of the Zoning Ordinance limits the number of wall signs

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erected on a building to one per street frontage; and

WHEREAS, Section 11.04(2)iii of the Zoning Ordinance limits the size of each wall sign to the greater of one-third of the signable wall area (up to 100 square feet) or 10 square feet; and

WHEREAS, the signable wall area within which the Buick/GMC Sign will be erected is 78 square feet, and, therefore, the maximum wall sign area for the Buick/GMC Sign is 26 square feet; and

WHEREAS, in order to permit the completion of the Proposed Renovations, and pursuant to Article VIII, Part A of the Zoning Ordinance, the Owner has filed an application with the Village for approval of: (i) an amendment to the Town Center PUD; and (ii) additional zoning modifications within the Town Center PUD (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 *Lincolnwood Review* on January 17, 2019, and held on February 6, 2019; and

WHEREAS, on February 6, 2019, 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 has determined that the Proposed Development complies with the required standards for special use permits and planned unit developments as set forth in Articles V and VIII of the Zoning Ordinance; and

WHEREAS, consistent with the Plan Commission recommendation, the President and Board of Trustees have determined that it will serve and be in the best interests of the Village and its residents to approve the Requested Relief, in accordance with, and 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 AMENDMENT TO TOWN CENTER PUD. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Village President and Board of Trustees hereby approve an amendment to the Town Center PUD to permit the completion of the Proposed Renovations on the Property, in accordance with, and pursuant to, Articles V and VIII of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3. APPROVAL OF ZONING MODIFICATIONS WITHIN A PLANNED DEVELOPMENT. In accordance with and pursuant to Section 8.03(3) 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 4 of the Ordinance, the President and Board of Trustees hereby approve the following modifications from the Zoning Ordinance:

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A. Façade Materials. A modification from Section 6.04(3)b of the Zoning Ordinance to Aluminum Composite Material on a majority of the façades of the north elevation of the Existing Building, and of the northern half of the east elevation of the Existing Building.

B. Wall Sign Quantity. A modification from Section 11.04(2)i of the Zoning Ordinance to increase the maximum number of wall signs permitted on the north elevation of the Existing Building, from one to two.

C. Wall Sign Area. A modification from Section 11.04(2)iii.i to increase the maximum area of the Buick/GMC Wall Sign, from 26 square feet to 37 square feet.

SECTION 4. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Ordinance, or any other rights the Owner may have, the approvals granted in Section 2 of this Ordinance are hereby expressly subject to and contingent upon the development, use, and maintenance of the Proposed Development and the Property in compliance with each and all of the following conditions:

A. Standard Conditions.

1. Compliance with Regulations. The development, use, operation, and maintenance of the Proposed Renovations, the Proposed Signs, and the Property must comply with all applicable Village codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.
2. 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 Proposed Renovations, the Proposed Signs, and the Property must comply with the following plans and documents (collectively, the "*Final Plans*"):
  - a. The Existing Elevations, prepared by Linden Group Architects, consisting of one sheet, with a latest revision date of January 8, 2019, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B**;
  - b. The Proposed Exterior Elevations, prepared by Linden Group Architects, consisting of one sheet, with a latest revision date of January 8, 2019, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**;
  - c. The Proposed Sign Plans, prepared by AGI, Inc., consisting of five sheets, with a latest revision date of November 26, 2018, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit D**;

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B. 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 must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

## SECTION 5. CONTINUED EFFECT; CONFLICTS.

- A. Except as expressly modified by this Ordinance, the Town Center PUD will remain in full force and effect, and the Owner must comply with all requirements, conditions, and restrictions in the Town Center PUD. Any violation of this Ordinance will be deemed a violation of the Town Center PUD and the Zoning Ordinance.
- B. In the event of a conflict between the provisions of any of the ordinances comprising the Town Center PUD and the provisions of this Ordinance, the provisions of this Ordinance will control.

SECTION 6. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Proposed Development and the Property and inure to the benefit of, and be binding upon, the Owner and its respective personal representatives, successors, and assigns, including, without limitation, subsequent owners or lessees of the Property.

SECTION 7. 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, in addition to all other remedies available to the Village, the approvals granted in Sections 2 and 3 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 Sections 2 and 3 unless it first provides 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 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 8. AMENDMENTS. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

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SECTION 9. 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 are to remain in full force and effect, and are to 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 10. 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;
  3. Recordation of this Ordinance, together with such exhibits as the Village Clerk deems appropriate for recordation, with the office of the Recorder of Cook County; and
  4. Execution by the Owner, and delivery to the Village Clerk, within 30 days after the date of final adoption of this Ordinance by the Village President and Board of Trustees, of an unconditional agreement and consent in substantially the form attached to this Ordinance as **Exhibit E** to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and demonstrating the Owner's consent to its recordation.
- B. In the event that the Owner does not deliver fully executed copies of the unconditional agreement and consent within 30 days after the date of final passage of this Ordinance by the Village President and Board of Trustees, as required by Section 10.A.4 of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

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PASSED this 19<sup>th</sup> day of February, 2019.

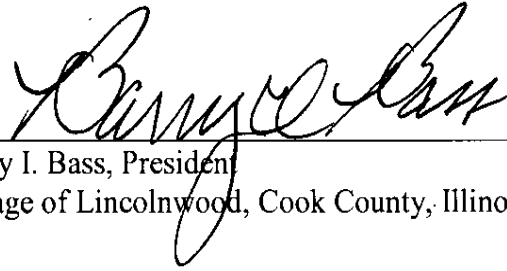
AYES: Trustees Patel, Ikezoe-Halevi, Hlepas Nickell, Spino, Sugarman

NAYS: None

ABSENT: Trustee Cope


ABSTENTION: None

APPROVED by me this 19<sup>th</sup> day of February, 2019.



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

ATTESTED and FILED in my office this  
19<sup>th</sup> day of February, 2019

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

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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

COOK COUNTY  
RECORDER OF DEEDS

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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

LOT 1 IN LINCOLNWOOD TOWN CENTER RESUBDIVISION, BEING A RESUBDIVISION OF LINCOLNWOOD TOWN CENTER SUBDIVISION (EXCEPTING THEREFROM LOT 9), A PART OF THE NORTH 1/2 OF SECTION 35, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 2, 1989 AS DOCUMENT 89522374, EXCEPTING FROM SAID LOT 1 THE FOLLOWING 2 PARCELS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 AFORESAID; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES, 23 MINUTES, 04 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 30.00 FEET; THENCE NORTH 45 DEGREES, 16 MINUTES, 25 SECONDS EAST, 43.08 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1 AT A DISTANCE OF 30.00 FEET FROM THE POINT OF BEGINNING, AS MEASURED ALONG THE EAST LINE THEREOF; THENCE SOUTH 01 DEGREE, 08 MINUTES, 25 SECONDS WEST ALONG THE EAST LINE OF LOT 1, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; ALSO BEGINNING AT THE SOUTHWEST CORNER OF LOT 1 AFORESAID; THENCE ON AN ASSUMED BEARING OF NORTH 01 DEGREE, 12 MINUTES, 14 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 6.29 FEET TO A POINT ON A 259.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 12 DEGREES, 02 MINUTES, 18 SECONDS EAST FROM SAID POINT; THENCE EASTERLY ALONG SAID CURVE, CENTRAL ANGLE 12 DEGREES, 39 MINUTES, 15 SECONDS, 57.20 FEET TO THE SOUTH LINE OF LOT 1 AFORESAID; THENCE SOUTH 89 DEGREES, 23 MINUTES, 04 SECONDS WEST ALONG SAID SOUTH LINE 56.94 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

Commonly known as: 6900 North McCormick Boulevard, Lincolnwood, Illinois

P.I.N.: 10-35-204-033-0000

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## EXHIBIT B

### EXISTING ELEVATIONS

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## EXHIBIT C

### PROPOSED EXTERIOR ELEVATIONS

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COOK COUNTY  
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## EXHIBIT D

### PROPOSED SIGN PLANS

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## EXHIBIT E

### UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, AJZ-Lincolnwood, LLC ("**Owner**") is the record title owner of that certain property commonly known as 6900 North McCormick Boulevard, in the Village ("**Property**"); and

WHEREAS, on March 3, 1988, the Village President and Board of Trustees adopted Ordinance No. 88-1801, approving the development of the Property and other nearby properties as a planned unit development for use as a shopping mall and other retail, commercial, and light industrial uses; and

WHEREAS, Ordinance No. 88-1801 was subsequently amended by the Village President and Board of Trustees pursuant to Ordinance Nos. 89-1865, 89-1889, 90-1896, 90-1901, 91-1990, 91-1994, 92-2002, 92-2016, 92-2025, 92-2027, 92-2042, 93-2102, 93-2121, 94-2127, 95-2184, 96-2267, 98-2393, 2000-077, Z2002-147, Z2003-217, Z2005-316, Z2007-361, 2007-2750, 2008-2796, 2008-2803, 2011-2971, 2016-1131 and 2019-3371 (collectively, Ordinance No. 88-1801 and its amendments are the "**Town Center PUD**"); and

WHEREAS, Ordinance No. 2019-3377, adopted by the President and Board of Trustees on February 19, 2019 ("**Ordinance**"), amended the Town Center PUD to permit the completion of façade renovations and the installation of wall signs on the Property; and

WHEREAS, Section 10 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 after the passage of the Ordinance, their respective 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, accepts, consents to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that public notices and meeting 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 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 any permit for the Property or its adoption of the Ordinance, and that the Village's approvals

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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.

4. The Owner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed Village 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 or the issuance of permits for the Property.

Dated: 2-26, 2019.

ATTEST:

AJZ-LINCOLNWOOD, LLC

By: [Signature]

By: [Signature]

Its: CEO

Its: PRESIDENT

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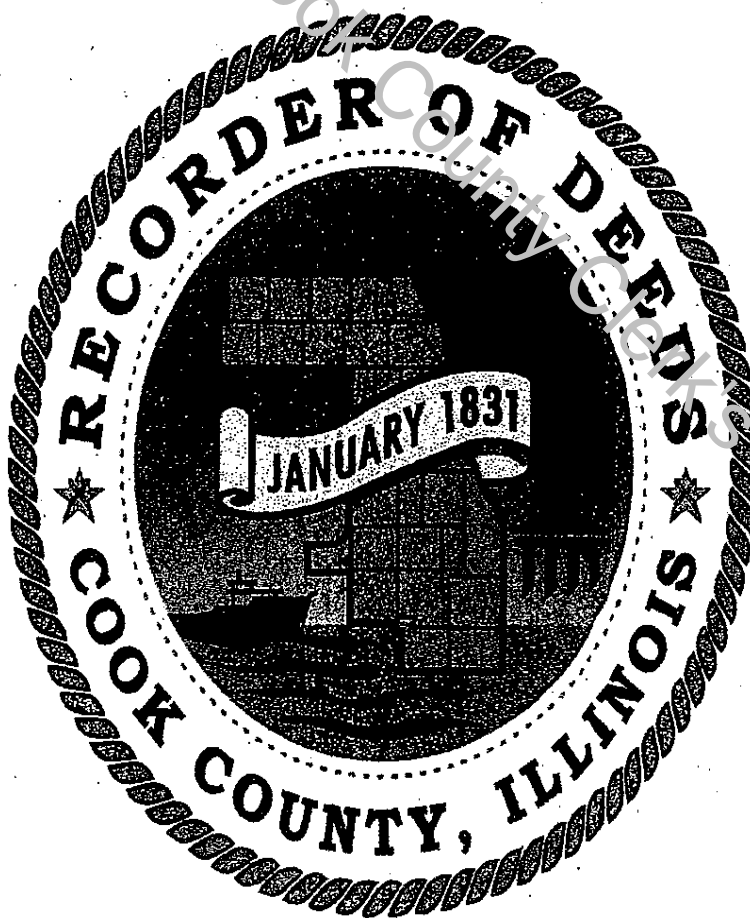
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EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 03/13/2019 03:13 PM PG: 1 OF 28

## COOK COUNTY RECORDER OF DEEDS PLAT DOCUMENTS WITH THIS PLAT



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IMAGE STORED IN PLAT INDEX DATABASE

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