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KAREN A. YARBROUGH

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**Village of Worth
Cook County, Illinois**

Ordinance No. 2021-32

“AN ORDINANCE APPROVING A SPECIAL USE TO
ESTABLISH AND OPERATE A BEAUTY SALON AT
6663 W. 111TH STREET, WORTH, ILLINOIS”

ADOPTED BY THE

PRESIDENT AND BOARD OF TRUSTEES OF THE

VILLAGE OF WORTH

THIS 21 DAY OF SEPTEMBER, 2021

This document prepared by:

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**VILLAGE OF WORTH
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 2021 -32

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PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF WORTH

THIS 21 DAY OF SEPTEMBER, 2021

Published in pamphlet form by authority of the Village Board of the Village of Worth, Cook County, Illinois, this 21 day of September, 2021.

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VILLAGE OF WORTH COOK COUNTY, ILLINOIS

ORDINANCE NO. 2021-32

AN ORDINANCE APPROVING A SPECIAL USE TO ESTABLISH AND OPERATE A BEAUTY SALON AT 6663 W. 111TH STREET, WORTH, ILLINOIS

WHEREAS, the Village of Worth (“Village”) is an Illinois municipal corporation organized and operating under the Illinois Municipal Code, 65 ILCS 5/1, *et seq.*; and

WHEREAS, JASL LLC, an Illinois limited liability company with offices located at 55 Jeffery Lane in Des Plaines, Illinois (“Owner”) owns the property commonly known as 6663 W. 111th Street, Worth, Illinois, legally described on Exhibit A (“Property”); and

WHEREAS, the Owner and Katrina Wynn (collectively, the “Applicant”), submitted an application seeking special use permit approval to establish a beauty salon on the Property (“Proposed Use”); and

WHEREAS, Worth Village Code Section 5-6A-2 allows beauty salons as a special use in the B1 Restricted Retail Business Zoning District; and

WHEREAS, the Property is located in the B1 Zoning District; and

WHEREAS, notice was published in the Daily Southtown on August 19, 2021, and the Real Estate Development Board (“REDB”) conducted a public hearing on September 16, 2021; and

WHEREAS, at the conclusion of the public hearing, the REDB made findings pursuant to Village Code Section 5-2-10(D), attached to this Ordinance as Exhibit B, and recommended by a vote of 6-0 that the Village Board approve the Applicant’s special use permit request for the Proposed Use; and

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WHEREAS, the Village Board received and reviewed the REDB's findings and recommendation, concurs with and adopts the REDB's findings, and finds that the Applicant's Proposed Use satisfies the special use criteria found in Section 5-2-10(D) of the Worth Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Worth, Cook County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals and all exhibits attached to this Ordinance are incorporated as though fully set forth herein.

Section 2. SPECIAL USE PERMIT GRANTED. The Applicant's special use permit request to establish a beauty salon on the Property is granted, subject to this Ordinance's terms and conditions.

Section 3. COMPLIANCE WITH APPLICABLE LAWS AND CONDITIONS. The establishment, development, use, operation, and maintenance of the Proposed Use will strictly conform to all applicable Village, county, state, and federal codes, statutes, ordinances, rules and regulations, as amended.

Section 4. BUILDING PERMITS AND PLANS. The Applicant must submit all permit applications, building plans, construction drawings, and revisions thereto as required by the Village before making any improvements, modifications, or changes to the Property. Any modifications to the Property that are inconsistent with the plans submitted with the Applicant's special use permit application shall require the Village's approval of an amendment to the special use permit.

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Section 5. OCCUPANCY PERMIT. The Applicant may not establish or operate the Proposed Use until applying for and receiving an occupancy permit from the Village in accordance with the Village's ordinances, rules, and regulations, as amended.

Section 6. SIGN PERMIT. Before erecting or posting any sign on the Property, the Applicant must file an application for a sign permit in accordance with the Village's ordinances, rules, and regulations, as amended, and receive the Village's approval of the same.

Section 7. COMMENCEMENT OF SPECIAL USE. By no later than September 20, 2022, the Applicant shall: (i) obtain all necessary Village, local and state permits and approvals required to improve the Property to accommodate the Proposed Use; (ii) complete all necessary improvements to the Property; and (iii) obtain all Village, local and state certificates, licenses and permissions necessary to establish, operate and maintain the Proposed Use on the Property.

Section 8. COMPLIANCE WITH CONDITIONS. Upon failure or refusal of the Applicant to comply with the conditions, restrictions, or provisions of this Ordinance, the special use permit granted in Section 2 of this Ordinance will, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, the Board of Trustees will not revoke the special use permit unless it first provides the Applicant with 60 days 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 will be governed solely by the regulations of the B1 Zoning District, as amended. Further, in the event of revocation, the Village Attorney is authorized and directed to bring all 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 8, and

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agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by this Section is given.

Section 9. BINDING EFFECT; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section of this Ordinance are for the sole benefit of, and will be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance will be deemed to allow this Ordinance or any approvals granted herein to be transferred to any person or entity without that person or entity first applying for and receiving the Village's approval of a new application for special use approval.

Section 10. EFFECTIVE DATE.

- A. This Ordinance will be effective upon occurrence of the following events:
- i. Passage by the Board of Trustees in the manner required by law;
 - ii. Publication of this Ordinance in pamphlet form in the manner required by law;
 - iii. The Applicant filing with the Village Clerk the Unconditional Agreement and Consent attached to this Ordinance as Exhibit C and, by this reference, made a part of this Ordinance; and
 - iv. The recording of this Ordinance in the Office of the Cook County Recorder. The Applicant will bear the full cost of recording.
- B. In the event the Applicant does not file with the Village Clerk a fully executed copy of the Unconditional Agreement and Consent identified in Section 10(A)(iii) of this Ordinance within 90 days of the date of passage of this Ordinance by the Board of Trustees, the Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

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Section 11. SUPERSEDER. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Village, the terms of this Ordinance shall govern.

Passed by the Village President and Village Trustees this 21 day of September, 2021, on a roll call vote as follows:

AYES: Ryan, Urban, Dziedzic and Packwood (4)

NAYS: (0)

ABSENT: Muersch Jr. & Kats (2)

ABSTAIN: (0)

Approved by the Village President on September 21, 2021.


Mary Werner, Village President

ATTEST:


Bonnie Price, Village Clerk

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Exhibit A

Legal Description

LOT 5 IN BLOCK 2 IN BEVERLY FIELDS, BEING A SUBDIVISION OF THE WEST ½ OF THE NORTHEAST ¼ OF SECTION 19, TOWNSHIP 37 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

P.I.N.: 24-19-212-001-0000

Address: 6663 W. 111th Street, Worth, Illinois 60482

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Exhibit B

VILLAGE OF WORTH REAL ESTATE DEVELOPMENT BOARD FINDINGS FOR A SPECIAL USE PERMIT FOR A BEAUTY SALON LOCATED AT 6663 W. 111TH STREET, WORTH, ILLINOIS

On Thursday, September 16, 2021, the Village of Worth Real Estate Development Board (“**REDB**”) conducted a public hearing to consider a request for a special use permit to establish a beauty salon on the property located at 6663 W. 111th Street, Worth, Illinois (“**Property**”). The Property is located in the B1 Restricted Retail Business Zoning District. Notice of the public hearing was published in the Daily Southtown on August 19, 2021. The special use was proposed by Katrina Wynn with the consent of the Property’s owner, JASL LLC (collectively, the “**Applicant**”).

At the public hearing, Katrina Wynn spoke on behalf of the Applicant. The Applicant proposes to establish a beauty salon – Katrina Hair Salon – in a tenant space currently occupied by Lady J’s hair salon. The tenant space encompasses approximately 1,305 square feet and the business will employ up to 6 people. The Applicant plans to offer a variety of hair services, including styling, cuts, and braiding. The business will be open to the public Monday through Saturday between the hours of 9am and 5pm. The business’s peak hours of operation are between noon and 2pm.

REDB members heard testimony concerning the proposed special use and questioned the Applicant about her plans. The REDB considered all evidence presented and all other relevant information before closing the public hearing and discussing the proposed special use.

I. Findings

Based on the evidence presented at the public hearing, the REDB’s discussion, and all other relevant information, the REDB makes the following findings concerning the proposed special use in accordance with Section 5-2-10 of the Worth Village Code:

- a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The Applicant proposes to establish a beauty salon in a tenant space that has long been occupied by a beauty salon. The proposed business is expected to function in a manner consistent with the prior business and continue to provide salon services in the heart of the 111th Street commercial corridor.

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- b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed use will occupy a tenant space in an existing multitenant structure. The tenant space was previously occupied by a beauty salon – Lady J’s – and a number of other comparable service uses are located nearby. The proposed salon will function in much the same way as the prior salon functioned. Lady J’s did not generate any apparent negative impacts on the surrounding area; likewise, the proposed salon is not anticipated to harm or impact neighboring businesses.

- c. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed salon will occupy a tenant space that has long been home to beauty salon. The salon is consistent with and complimentary to nearby service uses. The Applicant proposes to operate the salon in accordance with all applicable Village codes, rules, and regulations.

- d. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The Property’s existing facilities are sufficient to serve the proposed use. The Property is improved with a multi-tenant structure and a parking lot. Vehicles can access the Property from both 111th Street and Normandy Avenue. The Applicant does not propose any substantive changes to the Property’s exterior other than installing a sign.

- e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Vehicles accessing the Property will rely primarily on 111th Street. The salon is not expected to generate extraordinary traffic congestion. The existing parking lot contained sufficient parking capacity to accommodate parking demand generated by the beauty salon that occupied the Property for many years.

- f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the president and village board pursuant to the recommendations of the real estate development board, or as allowed for planned developments.

The Applicant proposes to comply with all Village requirements applicable to the Property and the proposed use.

II. Recommendation

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Based on the foregoing findings and all evidence entered into the record at the September 16, 2021 public hearing, the Real Estate Development Board considered a motion to recommend approval of the special use permit to operate a beauty salon on the Property. The motion carried (6-0).

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Exhibit C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Worth, Illinois (“Village”)

WHEREAS, JASL LLC, an Illinois limited liability company with offices located at 55 Jeffery Lane in Des Plaines, Illinois (“Owner”) owns certain property commonly known as 6663 W. 111th Street, Worth, Illinois, legally described on Exhibit 1 (“Property”); and

WHEREAS, the Owner and Katrina Wynn (collectively, the “Applicant”), have sought approval of a special use permit to develop, operate, and maintain the Property as a beauty salon (“Zoning Relief”); and

WHEREAS, Ordinance No. 2021 - 32, passed by Board of Trustees of the Village on September 21, 2021, grants approval of such Zoning Relief, subject to certain conditions (“Ordinance”); and

WHEREAS, the 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 the Ordinance.

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

1. The Applicant hereby unconditionally agrees to accept, consent to and abide by all terms, conditions, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges and agrees that the Village will 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 will not, in any way, be deemed to insure the Applicant against any damage or injury of any kind and at any time.
3. The 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 the Applicant required by Section 8 of the Ordinance is given.
4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village’s elected and appointed officials, officers, employees, contractors, agents,

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

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all claims, demands, investigations, and suits related to, associated with, or arising from the Property, the Zoning Relief, the Ordinance, or this Unconditional Agreement and Consent. These expenses will include all out of pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employee of the Village.
6. The restrictions imposed by this Unconditional Agreement and Consent shall be restrictions running with the land and shall be binding upon and inure to the benefit of the Applicant and its heirs, successors, assigns, agents, licensees, lessees, invitees, and representatives, including, without limitation, all subsequent owners of the Property, or any portion thereof, and all persons claiming under them to the extent provided in this Unconditional Agreement and Consent. If any of the privileges or rights created by this Unconditional Agreement and Consent would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then the affected privilege or right shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of the President of the United States, Joseph R. Biden Jr., or for any shorter period that may be required to sustain the validity of the affected privilege or right.
7. This Unconditional Agreement and Consent may not be amended, modified, released or annulled except upon the express, prior written approval of the Village of Worth.
8. The parties comprising the Applicant are jointly and severally liable for all obligations and duties imposed upon the Applicant by this Unconditional Agreement and Consent.

[Signature page follows]

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JASL LLC,
an Illinois limited liability company

Katrina's Hair Salon Katrina Wynn
Name:

Title: OWNER

SUBSCRIBED and SWORN to
Before me this 24 day of
Sept, 2021

Justine M. Hehl
Notary Public

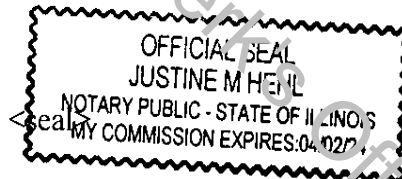


Katrina Wynn

Katrina Wynn

SUBSCRIBED and SWORN to
Before me this 24 day of
Sept, 2021

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