

# UNOFFICIAL COPY

97592880

ORDINANCE NO. 97-42

AN ORDINANCE GRANTING A SPECIAL PERMIT FOR  
LIVE ENTERTAINMENT ACCESSORY TO A PERMITTED EATING PLACE  
AT 445 SKOKIE BOULEVARD

(FREEDMAN'S STEAK AND SEAFOOD RESTAURANT)  
(PLAN COMMISSION DOCKET NO. 97-15/A)

Passed by the Board of Trustees, July 8, 1997

Printed and Published, July 9, 1997

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

BOX 337

I hereby certify that this document  
was properly published on the date  
stated above.

Lona N. Louis  
Village Clerk

I hereby certify this to be a true and exact copy of the  
original.

8/12/97  
Date

Lona N. Louis  
Village Clerk

97592880

B  
BHC

# UNOFFICIAL COPY

## ORDINANCE NO. 97-42

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 LIVE ENTERTAINMENT ACCESSORY TO A PERMITTED EATING PLACE AT 445 SKOKIE BOULEVARD

(FREEDMAN'S STEAK AND SEAFOOD RESTAURANT)  
(PLAN COMMISSION DOCKET NO. 97-15/A)

be and is hereby adopted as follows:

#### Section 1. BACKGROUND.

Sons of Arnon and Phil, Ltd. (the "Applicant") is the proposed operator of a restaurant to be located at 445 Skokie Boulevard in the Village of Northbrook (the "Subject Property"). The Applicant has requested (A) a special permit to allow for live entertainment in the form of a piano bar on the Subject Property, (B) a special permit to allow an addition to the existing building on the Subject Property resulting in a building with a floor area of 7,500 square feet or more and (C) such other relief as may be necessary. LaSalle National Trust, N.A., not personally but as Trustee under Trust #17237 dated December 7, 1954, is the legal owner of the Subject Property and has consented to the Applicant's requests for special permits and other necessary relief. John E. Owens, as Trustee under Trust Agreement dated November 10, 1989, Denis J. Owens, as Trustee under Trust Agreement dated May 24, 1993 and DePaul University are the beneficial owners of the Subject Property. The subject of this Ordinance is the request for a special permit for live entertainment (Docket No. 97-15/A). The special permit for the addition and any other necessary relief (Docket Nos. 97-15 B/C) will be addressed at a later date.

The Subject Property is located within the C-5 Boulevard Commercial District. The operation of the proposed live entertainment is classified in the Northbrook Zoning Code (1988), as amended from time to time (the "Zoning Code"), as Live Entertainment Accessory to a Permitted Eating Place (Village S.I.C. Code No. 5812.02).

#### Section 2. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property is commonly known as 445 Skokie Boulevard and is legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance.

#### Section 3. PUBLIC HEARING.

A public hearing to consider the application for the live entertainment special permit requested for the Subject Property in the C-5 Boulevard Commercial District was duly advertised on May 17, 1997 in the *Chicago Tribune* and publicly heard by the Northbrook Plan Commission on June 3, 1997. The Plan Commission recommended approval of the application for the live entertainment special permit on June 17, 1997 by adoption of Resolution No. 97-PC-11.

97592880

# UNOFFICIAL COPY

## Section 4. SPECIAL PERMIT FOR LIVE ENTERTAINMENT ACCESSORY TO A PERMITTED EATING PLACE.

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 5 of this Ordinance, a special permit for Live Entertainment Accessory to a Permitted Eating Place (Village S.I.C. Code No. 5812.02) on the Subject Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-802 of the Zoning Code and the home rule powers of the Village of Northbrook.

## Section 5. SPECIAL PERMIT CONDITIONS.

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

A. Compliance with Plans. The development, use and maintenance of the Subject Property shall be only in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Development or the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards:

- i. Letter from Warren G. Stetson, architect for the Applicant, dated May 1, 1997, attached as Exhibit B and, by this reference, made a part of this Ordinance; and
- ii. Floor Plan A1, consisting of one sheet, prepared by Knauer Incorporated, with latest revision date of March 27, 1997, attached as Exhibit C and, by this reference, made a part of this Ordinance.

B. No Exterior Modifications. No exterior modifications to the existing building located on the Subject Property are proposed in connection with the special permit granted in this Ordinance and none shall occur as part of such special permit.

C. Licenses and Permits. The Applicant shall obtain and maintain all licenses, certifications, permits and other approvals required for the legal operation of live entertainment on the Subject Property.

D. Compliance with Codes. The Applicant shall comply with all other requirements applicable to Live Entertainment Accessory to a Permitted Eating Place in the Zoning Code and all other codes and ordinances of the Village.

E. Hours of Operation. The hours of operation for the live entertainment authorized by this Ordinance shall be limited to 7:30 p.m. to 11:30 p.m., Monday through Sunday.

F. Type of Entertainment. The live entertainment authorized by this Ordinance shall be limited to a single piano player as described in Exhibit B to this Ordinance.

G. Location of Entertainment. The live entertainment authorized by this Ordinance shall be limited to the bar area of the proposed restaurant as described and depicted in Exhibits B and C to this Ordinance.

97592880

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## Section 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon the 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 special permit 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 Subject Property shall be governed solely by the regulations of the C-5 Boulevard Commercial District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices have been given and public 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 required by this Section is given.

## Section 7. AMENDMENT TO SPECIAL PERMIT.

Any amendment to the special permit granted in Section 4 of 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 the Zoning Code.

## Section 8. TERM AND RENEWAL.

The special permit granted by this Ordinance shall be valid for a period of five years, commencing on the effective date of this Ordinance. Prior to the expiration of the initial five year period, or any renewal hereunder, the Applicant may request a renewal of the special permit granted in this Ordinance. Any such request by the Applicant shall be reviewed by the President and the Board of Trustees (the "Corporate Authorities") at a meeting of the Corporate Authorities, for which public notice and public hearing shall be required. Approval of any renewal, with such conditions as the Corporate Authorities deem reasonable under the circumstances, shall be by the Corporate Authorities by ordinance duly adopted.

## 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 shall inure to the benefit of, and are and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow the privileges, obligations and provisions of this Ordinance to be transferred to any person or entity other than the Applicant without a new application for approval for any person or entity other than the Applicant.

## Section 10. EFFECTIVE DATE.

- A. This Ordinance shall be effective only upon the occurrence of all of the following events:
- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;

97592880

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

- ii. publication in pamphlet form in the manner required by law, and
- iii. the filing by the Applicant with the Village Clerk, for recording in the Office of the Cook County Recorder of Deeds, 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.

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 Section 10.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the Corporate Authorities, the Corporate Authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 8th day of July, 1997.

AYES: (5) Trustees Jaeger, Frum, Buehler, Donewald and Meek

NAYS: (0)

ABSENT: (1) Trustee Karagianis

ABSTAIN: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk

97592880

UNOFFICIAL COPY

Property of Cook County Clerk's Office



# UNOFFICIAL COPY

## LIST OF EXHIBITS

- EXHIBIT A:** Legal Description of the Subject Property
- EXHIBIT B:** Letter from Warren G. Stetson, architect for the Applicant, dated May 1, 1997
- EXHIBIT C:** Floor Plan A1, consisting of one sheet, prepared by Knauer, Incorporated, with latest revision date of March 27, 1997
- EXHIBIT D:** Unconditional Agreement and Consent of Applicant

Property of Cook County Clerk's Office

97592880

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## EXHIBIT A

### Legal Description of the Subject Property

LOT 2 OF NORTHWOOD EDENS, A SUBDIVISION OF A PART OF HUGHES BROWN MOORE CORPORATION RESUBDIVISION OF UNITED REALTY COMPANY'S DUNDEE ROAD SUBDIVISION IN THE SOUTH EAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 12, 1968 AS DOCUMENT 20377823, IN COOK COUNTY, ILLINOIS.

Permanent Index No.: 04-02-412-020

Commonly known as: 445 Skokie Boulevard, Northbrook, Illinois

Property of Cook County Clerk's Office

97592880

# UNOFFICIAL COPY

## RECEIVED

MAY 01 1997

DEPT. OF DEVELOPMENT

KNAUER

KNAUER INCORPORATED  
741 ST. JOHNS AVENUE  
HIGHLAND PARK, ILLINOIS 60015  
TEL: 847.432.0089 FAX: 847.432.0016

May 01, 1997

Ms. Martha A. Harley, Associate Planner  
Village of Northbrook  
Department of Community Planning  
1225 Cedar Lane  
Northbrook, Illinois 60062

Re: Special permit applications for Freedman's Steak & Seafood  
445 Skokie Boulevard  
Northbrook, Illinois

Knauer Job No. 1776

97592880

Dear Ms. Harley,

This is to request a Special Permit Public Hearing before the Northbrook Plan Commission for the scheduled June 03, 1997 meeting. I am making this request on behalf of my clients Mr. Jerry Freedman and Mr. Stephen Jacobson of Freedman's Steak and Seafood Restaurant to review two separate Special Permit Applications.

The first Special Permit Application is for live piano music at the existing restaurant bar. Music would be offered three nights per week, Wednesday, Friday and Saturday from 7:30 PM to 11:30 PM. The intent is to have soft piano music filter throughout the restaurant from the bar. The musical format would be show tunes and easy listening types of music. See floor plan A1 for piano location. In addition, live bands could be brought in for private parties in the restaurant's banquet rooms.

The second Special Permit Application is for a 2,147 square foot addition to the existing 8,839 square foot building, for the purpose of expanding the building's existing 100 guest banquet facilities to accommodate parties of up to 200 guests. The addition would consist of a new banquet room which would open up to the existing banquet room offering the option of two 1,250 square foot rooms or one 2,500 square foot room. Additional pre-function space, banquet storage and public washrooms would also be included.

EXHIBIT B

# UNOFFICIAL COPY

KNAUER

The materials used on the addition would blend with those on the existing building facade, consisting of brick and lamin stone veneers with asphalt shingle and standing seam metal roofs. Landscaping would also be used to enhance the addition as well as the existing building.

As requested, I've included seven copies of the site plan (SP-1), the proposed floor plan (A1), and the exterior elevations (A2) indicating the proposed addition. I've also enclosed a copy of existing/proposed impervious calculations prepared by Infracon, Inc.

If you have any questions or comments please call me.

Sincerely,



Warren G. Stetson, AIA

WGS/pll

Enclosure

cc: Stephen Jacobson  
Jerry Freedman

97592880

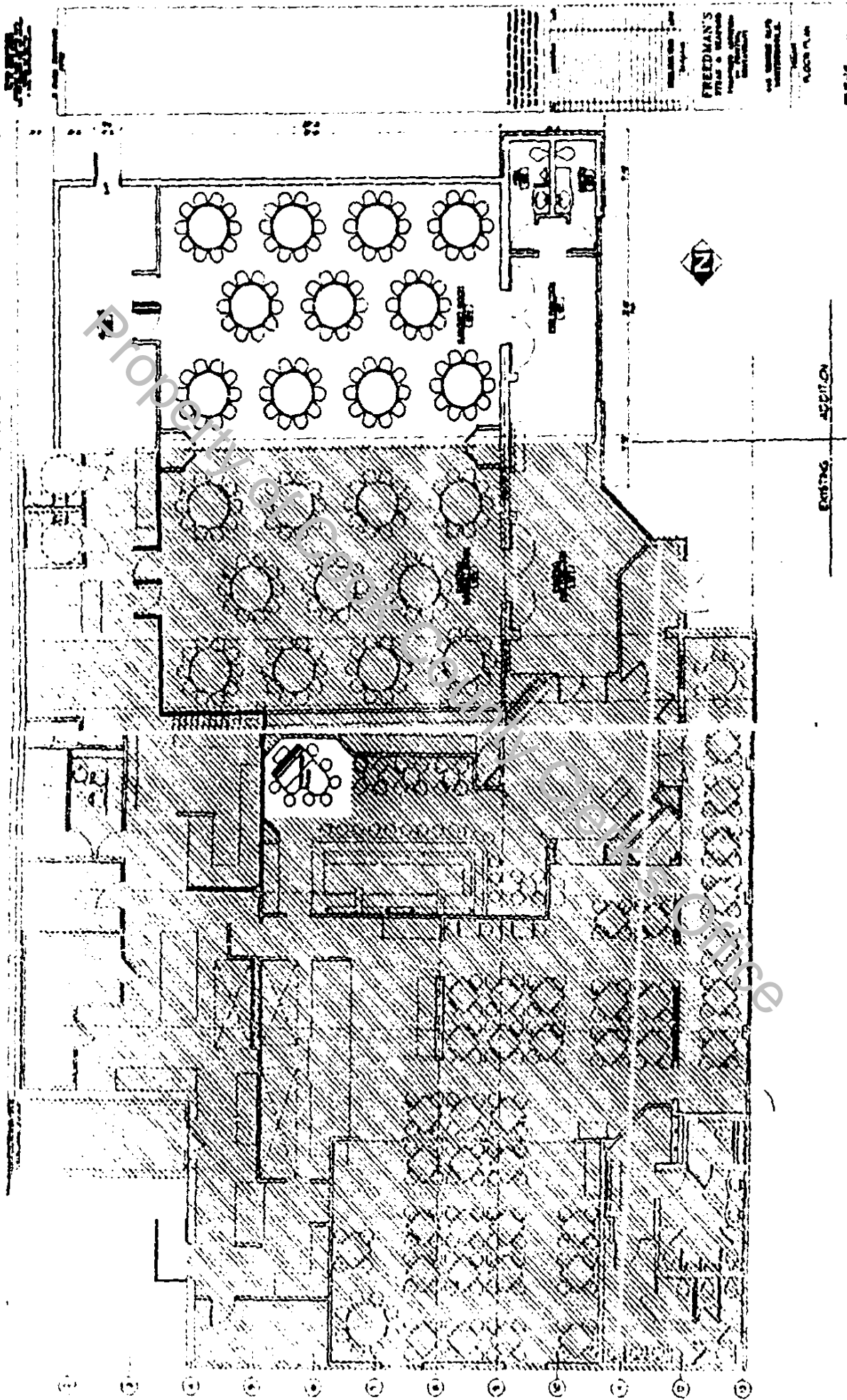
Property of Cook County Clerk's Office

UNOFFICIAL COPY

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

KNAUER



FREEDMAN'S  
OFFICE & RECEPTION  
KITCHEN  
RESTROOMS  
STORAGE  
ELECTRICAL  
PLUMBING  
MECHANICAL  
FLOOR PLAN

A1

97592880

EXHIBIT C

# UNOFFICIAL COPY

## EXHIBIT D

### Unconditional Agreement and Consent of Applicant

TC: The Village of Northbrook, Illinois (the "Village"):

WHEREAS, Sons of Myron and Phil, Ltd. (the "Applicant") is the proposed operator of a restaurant to be located at 445 Skokie Boulevard in the Village of Northbrook (the "Subject Property") and has applied for a special permit to allow Live Entertainment Accessory to a Permitted Eating Place on the Subject Property; and

WHEREAS, Ordinance No. 97-42, adopted by the President and Board of Trustees of the Village of Northbrook on July 8, 1997 (the "Ordinance"), grants approval of such special permit, subject to certain conditions; 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 said Ordinance;

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

1. The 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 Village Ordinance No. 97-42, adopted by the Village Board of Trustees on July 8, 1997 (the "Ordinance").
2. The 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 Subject Property, or the issuance of any permits for the use and development of the Subject 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 the Applicant against 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 6 of the Ordinance is given.
4. The 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 Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by the Applicant of its obligations under this Unconditional Consent and Agreement.

97592850



# UNOFFICIAL COPY

5. The 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.

Sons of Myron and Rhil, Ltd.

By: \_\_\_\_\_

Its: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

Its: \_\_\_\_\_

SUBSCRIBED AND SWORN  
to before me this 25<sup>th</sup> day of

July, 1997.

Lona N. Louis  
Notary Public



97592880

Property of Cook County Clerk's Office