

82-O-07

AN ORDINANCE

**Granting a Major Zoning Variation to Allow Zero Loading Berths
for a Proposed One-Story Commercial Building at
605 Davis Street in the D3 Downtown Core Development District**

WHEREAS, Tim Sheridan, on behalf of 605 Davis, LLC (the "Applicant"), owner of 605 Davis Street, legally described in Exhibit A, attached hereto and made apart hereof (the "Subject Property"), submitted an application, case no. ZBA 07-18-V(R), to seek approval for a major variation from Section 6-16-5 of the Zoning Ordinance (the "Ordinance") relating to off-street loading requirements; and

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on June 19, 2007, pursuant to proper notice, to consider the application, took testimony and received other evidence, and made a *verbatim* record and written findings concerning the application as it related to the standards for major variations set forth in Section 6-3-8-12(E) of the Ordinance, and made no recommendation to the City Council regarding approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's record and findings at its August 13, 2007 meeting and voted to consider an ordinance granting the requested major variation; and

WHEREAS, the Planning and Development Committee considered this Ordinance 82-O-07 at its September 10, 2007 meeting and recommended the City Council grant the requested major variation; and

WHEREAS, the City Council considered and adopted the records, findings, and recommendations of the ZBA and Planning and Development Committee at its September 10, 2007 meeting,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact, and made a part hereof.

SECTION 2: That the City Council hereby approves the major variation applied for in case no. ZBA 07-18-V(R), on the Subject Property.

SECTION 3: That the major variation approved hereby is:

- A. To allow for zero (0) off-street loading berths whereas Section 6-16-5 of the Ordinance requires one (1) off-street loading berth.

SECTION 4: That, as permitted by Section 6-3-8-14 of the Ordinance, the City Council imposes the following conditions upon the major variations granted by this ordinance, 82-O-07:

- A. The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant, and with the approved plans and documents on file in this case.

SECTION 5: Except as otherwise provided for in this Ordinance, all applicable regulations of the Zoning Ordinance shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

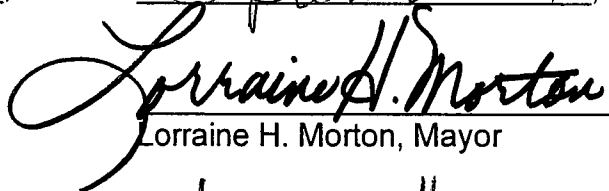
SECTION 6: That, when necessary to effectuate the terms and conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns and successors in interest."

SECTION 7: That if any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications thereof.


SECTION 8: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

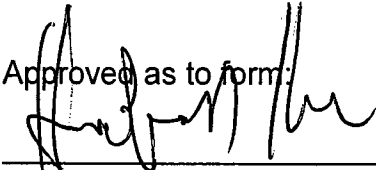
Introduced: September 10, 2007 Approved:
Adopted: September 10, 2007 September 11, 2007



Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:


Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE WESTERLY 60 FEET OF THE EASTERLY 120 FEET OF LOTS 10 AND 11 (EXCEPT THE NORTH 16 FEET OF SAID LOT 11 FOR THE ALLEY) IN BLOCK 19 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

THE NORTHLY 16 FEET OF THE WESTERLY 60 FEET OF THE EASTERLY 120 FEET OF LOT 11 IN BLOCK 19 IN EVANSTON IN SECTION 18, TOWNSHIP 41, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS

PARCEL 3:

EASEMENT FOR PARKING AND VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1, MADE BY AND BETWEEN FIRST IL BANK OF EVANSTON N.A., KNOWN AS TRUST NUMBER R-3297 (GRANTOR) TO FIRST ILLINOIS BANK OF EVANSTON N.A., ITS SUCCESSORS AND ASSIGNS, ATU JULY 20, 1987 AND KNOWN AS TRUST NUMBER R-3416 (GRANTEE), DATED SEPTEMBER 8, 1987 AND RECORDED SEPTEMBER 23, 1987 AD DOCUMENT 0752956 AND AS AMENDED BY AGREEMENT RECORDED JUNE 20, 1991 AS 91300698 OVER THE FOLLOWING DESCRIBED LAND:

LOT 9 AND THE SOUTHERLY 8 INCHES OF LOT 10 IN BLOCK 27 IN THE VILLAGE OF EVANSTON IN THE SOUTH WEST $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDAN, IN COOK COUNTY, ILLINOIS

COMMONLY KNOWN As: 605 Davis Street, Evanston, Illinois.