

11/9/2011

99-O-11

AN ORDINANCE

**Granting a Special Use Permit for
an Automobile Body Repair Establishment
Located at 1961 Dempster Street in the
C2 Commercial Zoning District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on October 18, 2011, pursuant to proper notice, to consider case no. 11ZMJV-0064, an application filed by Marek Drozd, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1961 Dempster Street (the "Subject Property") and located in the C2 Commercial Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-10-4-3 of Title 6 of the Evanston City Code, 1979, as amended (the "Zoning Ordinance"), an Automobile Body Repair Establishment on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for an Automobile Body Repair Establishment met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of November 14, 2011, the Planning and Development Committee of the City Council ("P&D Committee") considered and adopted the ZBA's record and findings and recommended City Council approval thereof; and

WHEREAS, at its meeting of November 28, 2011, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

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

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: The City Council hereby approves the Special Use Permit for an Automobile Body Repair Establishment on the Subject Property as applied for in case no. 11ZMJV-0064.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use Permit, violation of any of which shall constitute grounds for revocation thereof pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Hours of Operation and Vehicle Deliveries:** The Applicant shall neither operate the Automobile Body Repair Establishment nor accept deliveries of vehicles thereto except between 9:00 a.m. and 6:00 p.m. on any day.
- C. No Overnight Vehicle Storage Outdoors:** The Applicant shall store all vehicles, left for repairs at the Automobile Body Repair Establishment, inside said establishment between 6:00 p.m. and 9:00 a.m. every day.
- D. Hazardous Material Disposal:** While operating the Automobile Body Repair Establishment authorized by the terms of this ordinance, the Applicant shall comply with all applicable environmental laws, rules, and regulations regarding the disposal of hazardous materials.

SECTION 4: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 5: Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 6: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

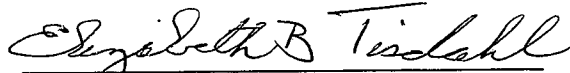
SECTION 9: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 14, 2011

Approved:

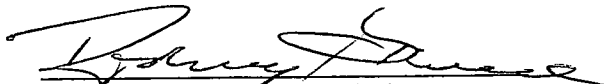
Adopted: November 28, 2011

November 29, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk



W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION****PARCEL 1:**

LOT 1 IN THE PLAT OF RUSSO'S CONSOLIDATION OF PART OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

RECIPROCAL EASEMENT AGREEMENT DATED APRIL 28, 1988 AND RECORDED MAY 5, 1988 AS DOCUMENT 88190554 MADE BY AND BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, A NATIONAL BANKING ASSOCIATION, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 1, 1988 AND KNOWN AS TRUST NUMBER 104803-09 AND MCDONALD'S CORPORATION IN FAVOR OF PARCEL 1 FOR A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR THE PURPOSE OF MAINTAINING, REPAIRING, REPLACING AND RENEWING A STORM SEWER LINE OVER THE LAND DESCRIBED AS FOLLOWS::

A TRACT OF LAND IN THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS::

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13) AND THE WEST LINE OF DODGE AVENUE (BEING 33 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13); THENCE NORTH ALONG THE WEST LINE OF DODGE AVENUE, 135 FEET; THENCE SOUTH 87 DEGREES, 43 MINUTES, 45 SECONDS WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, 246 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE CONTINUING SOUTH 87 DEGREES, 43 MINUTES, 45 SECONDS WEST, 42.30 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY (FORMERLY THE JUNCTION RAILWAY COMPANY); THENCE SOUTH 22 DEGREES, 02 MINUTES, 45 SECONDS WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, 148.08 FEET TO THE NORTH LINE OF DEMPSTER STREET; THENCE NORTH 87 DEGREES, 43 MINUTES, 45 SECONDS EAST ALONG THE NORTH LINE OF DEMPSTER STREET, 42.48 FEET TO A POINT 301.55 FEET WEST OF THE WEST LINE OF DODGE AVENUE; THENCE NORTH 22 DEGREES, 00 MINUTES, 45 SECONDS EAST 148.07 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS::

A TRACT OF LAND IN THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS::

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13) AND THE WEST LINE OF DODGE AVENUE (BEING 33 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION

13); THENCE WESTERLY ALONG THE NORTH LINE OF DEMPSTER STREET, A DISTANCE OF 303.75 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF DEMPSTER STREET, A DISTANCE OF 40.00 FEET TO THE SOUTHEAST CORNER OF LOT 2 IN BANBURY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE EASTERLY LINE OF SAID LOT 2 (SAID LINE BEING ALSO THE FORMER EASTERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY), A DISTANCE OF 97.14 FEET; THENCE IN A SOUTHERLY DIRECTION ALONG THE LINE WHICH FORMS AN ANGLE 22 DEGREES, 00 MINUTES, 38 SECONDS WITH SAID EASTERLY LINE, A DISTANCE OF 88.52 FEET TO THE POINT OF BEGINNING.

ALSO, EXCEPT THE EAST-150 FEET THEREOF, (AS MEASURED ALONG THE NORTH AND SOUTH LINES THEREOF) THE PREMISES DESCRIBED AS FOLLOWS::

A TRACT OF LAND IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY (FORMERLY THE CHICAGO JUNCTION RAILWAY) BOUNDED AND DESCRIBED AS FOLLOWS::

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13) AND THE WEST LINE OF DODGE AVENUE (BEING 33.00 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 13); THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG THE WEST LINE OF DODGE AVENUE (BEING ALSO 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 13), A DISTANCE OF 135.00 FEET; THENCE SOUTH 87 DEGREES, 42 MINUTES, 20 SECONDS WEST, ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 246.00 FEET; THENCE SOUTH 22 DEGREES, 01 MINUTES, 13 SECONDS WEST, A DISTANCE OF 148.02 FEET TO A POINT ON THE NORTH LINE OF SAID DEMPSTER STREET; THENCE NORTH 87 DEGREES, 42 MINUTES, 20 SECONDS EAST ALONG THE NORTH LINE OF SAID DEMPSTER STREET (BEING ALSO 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13), A DISTANCE OF 301.55 FEET TO THE POINT OF BEGINNING,

ALSO A TRACT OF LAND IN THE SOUTH 1/2 OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS::

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13) AND THE WEST LINE OF DODGE AVENUE (BEING 33 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13); THENCE NORTH ALONG THE WEST LINE OF DODGE AVENUE, 135 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 87 DEGREES, 43 MINUTES, 45 SECONDS WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 288.30 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY (FORMERLY THE JUNCTION RAILWAY COMPANY); THENCE NORTH 22 DEGREES, 02 MINUTES, 45 SECONDS EAST ALONG SAID EASTERLY RIGHT OF WAY LINE, 153.42 FEET TO A POINT OF INTERSECTION WITH A LINE 308 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; THENCE NORTH 87 DEGREES, 43 MINUTES, 45 SECONDS EAST ALONG SAID LINE 308 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, 230.75 FEET TO THE WEST LINE OF DODGE AVENUE; THENCE SOUTH ALONG SAID WEST LINE OF DODGE AVENUE, 140 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART BOUNDED AND DESCRIBED AS FOLLOWS::

COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13) AND THE WEST LINE OF DODGE AVENUE (BEING 33 FEET WEST OF THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 13); THENCE NORTH ALONG THE WEST LINE OF DODGE AVENUE, A DISTANCE OF 207.29 FEET TO THE POINT OF BEGINNING;

THENCE WESTERLY ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 258.49 FEET TO THE EASTERLY LINE OF LOT 1 IN BANBURY SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (SAID LINE BEING ALSO THE FORMER EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY); THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 1, A DISTANCE OF 74.24 FEET TO THE POINT OF INTERSECTION WITH A LINE 308 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 230.64 FEET TO THE WEST LINE OF DODGE AVENUE; THENCE SOUTHERLY ALONG SAID WEST LINE OF DODGE AVENUE, A DISTANCE OF 67.71 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS

PIN: 10-13-322-042-0000

COMMONLY KNOWN As: 1961 Dempster Street, Evanston, Illinois.

