

5/13/2013

4/24/2013

49-O-13

AN ORDINANCE

**Granting a Major Variation Related to Parking at
623-627½ Howard Street in the B3 Business Zoning District**

WHEREAS, Peckish One, LLC (the "Applicant"), lessee of the property commonly known as 623-627½ Howard Street (the "Subject Property"), located within the B3 Business zoning district and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of a Major Variation to parking requirements imposed by Subsection 6-16-1-3 of Title 6 of the Evanston City Code of 2012, as amended ("the Zoning Ordinance"); and

WHEREAS, the Applicant requests a Major Variation to convert a garage containing eight (8) off-street parking spaces into a microbrewery for a Type 1 Restaurant, yielding zero (0) off-street parking spaces on the Subject Property; and

WHEREAS, on April 23, 2013, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 13ZMJV-0022 to consider the application, received testimony, and made written records and findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12-(E) of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of May 13, 2013, the Planning and Development ("P&D") Committee of the City Council considered, amended, and adopted the ZBA's findings and recommendations, and recommended City Council approve the Major Variation, as amended; and

WHEREAS, at its meeting of May 13, 2013, the City Council considered and adopted the recommendation of the 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 hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the ZBA and P&D Committee's records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10-(D) of the Zoning Ordinance, the Major Variation on the Subject Property applied for in case no. 13ZMJV-0022 and described hereinabove.

SECTION 3: Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variation granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.
- (B) **Recordation:** The Applicant shall, at its cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any construction permits pursuant to the Major Variation authorized hereby.
- (C) **Employee Parking:** When driving to work at the Subject Property, the Applicant and its employees shall not park in any on-street spaces. The Applicant shall maintain permits or leases for no fewer than (8) off-street parking spaces located within 1,000 feet of the Subject Property for its employees' use during the hours of 6:00 p.m. to midnight on any day.
- (D) **Valet Parking:** The Applicant shall provide valet parking service for patrons during peak business hours, as needed.

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: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code 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: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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

SECTION 8: 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 9: The findings and recitals 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.

Introduced: May 13, 2013

Approved:

Adopted: May 13, 2013

May 15, 2013

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

LOTS 7, 8 AND 9 IN BLOCK 1 IN NILES-HOWARD TERMINAL ADDITION, BEING A SUBDIVISION OF THE SOUTH 6.25 FEET CHAINS (412½ FEET) OF THAT PART OF THE NORTHEAST ¼ OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY, IN COOK COUNTY, ILLINOIS.

PIN: 11-30-209-025-0000

Commonly Known As: 623-627½ Howard Street, Evanston, Illinois.

