

7/8/2013
6/18/2013

73-O-13

AN ORDINANCE

**Granting a Special Use Permit for a Yard Waste Transfer Facility
Located at 2532-33 Oakton Street in the
I3 General Industrial Zoning District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on June 18, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0051, an application by J&S LLC (the "Applicant"), lessee of the property commonly known as 2532-33 Oakton Street (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference, and located in the I3 General Industrial Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-14-4-3 of Title 6 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), a Yard Waste Transfer Facility on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and findings that the application for a Yard Waste Transfer Facility 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 June 24, 2013, the City Council's Planning and Development Committee ("P&D Committee") considered and adopted the ZBA's record and findings, and recommended City Council approval thereof; and

WHEREAS, at its meetings of June 24 and July 8, 2013, the City Council considered, amended, and adopted the records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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 approves the Special Use Permit for a Yard Waste Transfer Facility applied for in case no. 13ZMJV-0051.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 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:** The Applicant shall not operate the Special Use authorized by the terms of this ordinance before 7:00 a.m. or after 5:00 p.m. on any Saturday or Sunday, or before 6:30 a.m. or after 6:30 p.m. on any weekday.
- C. Transfer Deadline:** The Applicant shall not permit any yard waste to remain on the Subject Property for longer than twenty-four (24) hours before transfer.
- D. Loading:** The Applicant shall not permit loading, off-loading, parking, staging, and/or stacking of material on the access drive to the Subject Property.
- E. Environmental Permits:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant must obtain all necessary permits from the Illinois and/or U.S. Environmental Protection Agencies.
- F. Recordation:** 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 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: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.


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.

Introduced: June 24, 2013

Approved:

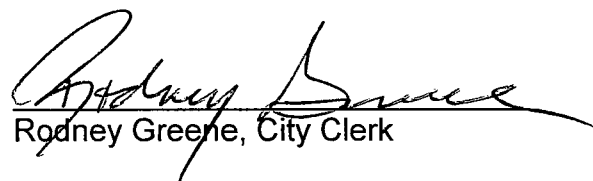
Adopted: July 8, 2013

July 15, 2013


Ann Rainey, Mayor Pro Tem

Attest:

Approved as to form:


Rodney Greene, City Clerk

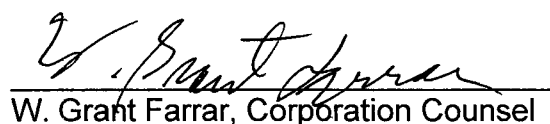

W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description****PARCEL 1**

THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WEST LINE OF LOT 1 OF ZERA SUBDIVISION NO. 1 OF PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 24 AND THE SOUTHEAST $\frac{1}{4}$ OF SECTION 23, ALL IN TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 24, WITH THE WESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD (NOW ABANDONED), SAID POINT BEING NORTH 2 DEGREES, 28 MINUTES, 13 SECONDS EAST, 3444.37 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 24; THENCE NORTH 2 DEGREES, 28 MINUTES, 13 SECONDS EAST, 109.43 FEET ALONG THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 24, FOR THE POINT OF BEGINNING; THENCE NORTH 11 DEGREES, 48 MINUTES, 22 SECONDS EAST, 189.03 FEET; THENCE NORTH 2 DEGREES, 34 MINUTES, 05 SECONDS EAST, 136.59 FEET; THENCE NORTH 13 DEGREES, 11 MINUTES, 36 SECONDS, 32 SECONDS WEST, 11.56 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 24, SAID POINT BEING NORTH 2 DEGREES, 28 MINUTES, 13 SECONDS EAST, 430.41 FEET FROM THE POINT OF BEGINNING; THENCE SOUTH 2 DEGREES, 28 MINUTES, 13 SECONDS WEST, 430.31 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2

THAT PART OF LOT 5 IN ZERA SUBDIVISION THREE OF PARTS OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 24 AND THE SOUTHEAST $\frac{1}{4}$ OF SECTION 23, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS LYING NORTHERLY OF A LINE DRAWN PARALLEL TO THE NORTHERLY LINE OF SAID LOT 5, FROM A POINT 220.0 FEET NORTHERLY OF THE SOUTHEAST CORNER OF SAID LOT 5, IN COOK COUNTY, ILLINOIS.

PINs: 10-24-300-042-0000
10-24-300-044-0000

COMMONLY KNOWN AS: 2532-33 Oakton Street, Evanston, Illinois.