

87-O-13

AN ORDINANCE

**Granting a Special Use Permit for Commercial Indoor Recreation
Located at 2025 Dempster Street in the I2 Industrial Zoning District
("Evanston Soccer Association")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on July 16 and August 6, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0061, an application by Evanston Soccer Association, LLC (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2025 Dempster Street (the "Subject Property") and located in the I2 Industrial Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-14-3-3 of Title 6 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), Commercial Indoor Recreation 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 Commercial Indoor Recreation 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 August 12, 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 meeting of August 12, 2013, 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 hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a Commercial Indoor Recreation facility applied for in case no. 13ZMJV-0061.

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. **Access:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant or owner of the Subject Property must obtain an access easement or other agreement from the owner of the property commonly known as 2020 Greenwood Street, Evanston, Illinois (PIN: 10-13-322-040-0000). For as long as the Applicant operates the Special Use authorized by the terms of this ordinance, it shall maintain and keep current said agreement.
- C. **Passenger Loading/Unloading:** All passenger loading and unloading shall take place via the north side of the Subject Property and not via Dempster Street.
- D. **Lighting:** The Applicant shall provide sufficient lighting on the north side of the Subject Property for safe passenger ingress and egress.
- E. **Trash Collection:** Trash shall not be collected from the Subject Property via Dempster Street.
- F. **Employee Parking:** When driving to work at the Special Use authorized hereby, the Applicant and its employees shall park in the off-street spaces on the southern side of the Subject Property.
- G. **Hours of Operation:** The Applicant shall not operate the Special Use authorized by the terms of this ordinance before 8:00 a.m. or after 9:00 p.m. on any day.

H. **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: All ordinances or parts thereof ordinances in conflict herewith are hereby repealed.

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: 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 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: August 12, 2013

Adopted: August 12, 2013

Approved:

August 15, 2013

Elizabeth B Tisdahl

Elizabeth B. Tisdahl, Mayor

Approved as to form:
W. Grant Farrar
Corporation Counsel

Approved as to form:

By: Michelle Maroney
W. Grant Farrar, Corporation Counsel Deputy City Attorney

Attest:

Rodney Greene
Rodney Greene, City Clerk

EXHIBIT A**Legal Description**

THAT PART OF THE SOUTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF DEMPSTER STREET (BEING A LINE 33 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 13), 415.33 FEET EAST OF THE CENTER LINE OF HARTREY AVENUE; THENCE EAST ALONG THE NORTH LINE OF DEMPSTER STREET 149.40 FEET, MORE OR LESS, TO A POINT WHICH IS 159.83 FEET WEST OF THE INTERSECTION OF SAID NORTH LINE OF DEMPSTER STREET WITH THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY (FORMERLY THE CHICAGO JUNCTION RAILWAY); THENCE NORTH ALONG A LINE PARALLEL WITH THE CENTER LINE OF HARTREY AVENUE, A DISTANCE OF 235.20 FEET TO THE CENTER LINE OF AN EXISTING RAILROAD TRACK; THENCE IN A WESTERLY DIRECTION ALONG THE CENTER LINE OF SAID RAILROAD TRACK TO A POINT WHICH IS 415.33 FEET EAST OF THE CENTER LINE OF HARTREY AVENUE; THENCE SOUTH ON A LINE PARALLEL TO AND 415.33 FEET EAST OF THE CENTER LINE OF HARTREY AVENUE, A DISTANCE OF 229.90 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN: 10-13-322-021-0000

COMMONLY KNOWN As: 2025 Dempster Street, Evanston, Illinois.