

18-O-15

AN ORDINANCE

**Granting a Special Use Permit for a Wholesale Goods Establishment
Located at 2308 Main Street in the C1 Commercial Zoning District
("Few Spirits")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on January 27, 2015, pursuant to proper notice, to consider case no. 14ZMJV-0142, an application by Todd Paul (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2308 Main Street (the "Subject Property") and located in the C1 Commercial Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-10-2-3 of Title 6 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), a Wholesale Goods Establishment 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 Wholesale Goods 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 February 9, 2015, 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 February 9 and February 23, 2015, 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 Wholesale Goods Establishment applied for in case no. 14ZMJV-0142.

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. 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: February 9, 2015

Approved:

Adopted: February 23, 2015

February 27, 2015

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****PARCEL 1:**

LOT 1 IN GENERAL DYNAMICS-EVANSTON INDUSTRIAL PARK, A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF MAIN STREET (WHICH BEARS DUE EAST AND WEST FOR THE PURPOSE OF THIS DESCRIPTION), DISTANT 56.50 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF THE MOST SOUTHEASTERLY OR SOUTH-BOUND TRAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AS SAID MAIN TRACK IS NOW LOCATED; THENCE SOUTH 30 DEGREES, 19 MINUTES, 38 SECONDS WEST, A DISTANCE OF 47.63 FEET, THENCE NORTH 59 DEGREES, 05 MINUTES, 08 SECONDS EAST, A DISTANCE OF 412 FEET, MOR OR LESS, TO A POINT DISTANT 25 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MOST NORTHWESTERLY OR NORTH-BOUND MAIN TRACK OF SAID TRANSPORTATION COMPANY, AS NOW LOCATED; THENCE NORTHEASTERLY PARALLEL WITH THE LAST SAID MAIN TRACK CENTER LINE, A DISTANCE OF 123 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SAID MAIN STREET; THENCE DUE WEST ALONG SAID SOUTH LINE OF MAIN STREET, A DISTANCE OF 20 FEET, MORE OR LESS, TO THE POINT OF THE BEGINNING (EXCEPTING THEREFROM THAT PART, IF ANY, LYING SOUTHEASTERLY OF A LINE PARALLEL WITH AND DISTANT 15 FEET NORTHWESTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY YARD TRACK ICC No. B-23, AS NOW LOCATED, BEING THE FIRST TRACK EASTERLY OF THE ABOVE-DESCRIBED REAL ESTATE, ALL IN COOK COUNTY, ILLINOIS.

PIN: 10-24-300-009-0000

COMMONLY KNOWN As: 2308 Main Street, Evanston, Illinois.