

67-O-15

AN ORDINANCE

**Granting Major Variations Related to 1719-1723 Howard Street in the
C1 Commercial Zoning District**

WHEREAS, David L. Chase (the "Applicant"), contract purchaser of the property commonly known as 1719-1723 Howard Street (the "Subject Property"), located within the C1 Commercial zoning district and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations to zoning requirements imposed by Subsection 6-16-3-5-Table 16(B) and Subsection 6-16-2-7-Table 16(A) of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests the following Major Variations:

- (A) The Applicant requests nineteen (19) parking spaces where twenty-three (23) parking spaces are required;
- (B) The Applicant requests an aisle width of twenty-two (22) feet where an aisle width of twenty-four (24) feet is required for a two-way travel aisle; and

WHEREAS, on April 21, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0015 to consider the application, received testimony, and made written records and findings that the application did meet 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 26, 2015, the Planning and Development ("P&D") Committee of the City Council considered and accepted the

ZBA's recommendation, and recommended City Council approve the Major Variations, as requested; and

WHEREAS, at its meetings of May 26, 2015 and June 8, 2015, 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 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 Variations on the Subject Property applied for in case no. 15ZMJV-0015 and described hereinabove.

SECTION 3: The Major Variations approved hereby are as follows:

- (A) Approval to allow nineteen (19) parking spaces on the Subject Property. Subsection 6-16-3-5-Table 16(B) requires twenty-three (23) parking spaces on the Subject Property.
- (B) Approval to allow an aisle width of twenty-two (22) feet for a two-way travel aisle. Subsection 6-16-2-7-Table 16(A) requires a minimum twenty-four (24) foot wide aisle for a two-way travel aisle.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations 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) **Landscape Buffer:** The Applicant must install a landscape buffer between the parking lot and the Howard Street right-of-way as required by the City.
- (C) **Loading Zone:** Subject to review and approval by the City, the Applicant must ensure that the loading/drop-off zone for the Subject Property be located on Howard Street.
- (D) **Parking Designations:** The Applicant must ensure that the existing eight (8) parking spaces in the rear of the building on the Subject Property be solely utilized by staff only. The eleven (11) new parking spaces in the adjacent lot shall be solely utilized by patients.
- (E) **Traffic Mitigation:** The Applicant agrees to incorporate traffic mitigating elements that will alert traffic to reduce its speed in the alley.
- (F) **Overflow Parking:** The Applicant agrees to coordinate and execute a parking agreement with St. Francis Hospital to address overflow parking for staff. The Applicant agrees that a shuttle will be provided from the parking area at St. Francis to the Howard Street facility.
- (G) **Snow Removal:** The Applicant agrees that snow removal from within the parking spaces will be taken care of in a manner that shall not be problematic to neighboring residences.
- (H) **Dumpster Location:** The Applicant agrees that the dumpster used for the Subject Property be kept in an area that is not problematic to the neighboring residences.

SECTION 5: 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 6: 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 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: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: 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 10: 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 26, 2015

Approved:

Adopted: June 8, 2015

June 11, 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:**

THE WEST 5 FEET OF LOT 03, ALL OF LOT 31, ALL OF LOT 32, THE EAST 15 FEET OF LOT 3 IN TENNIS' SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: THE EAST $\frac{1}{2}$ OF THE WEST 11.976 CHAINS OF THE SOUTH 8.35 CHAINS OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO A STRIP OF LAND LYING NORTH OF THE NORTH LINE OF THE ABOVE DESCRIBED TRACT AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUMAS HOWARD AVENUE SUBDIVISION AS LAID OUT AND OCCUPIED; ALSO A STRIP OF LAND LYING EAST OF THE EAST LINE OF WEST 11.976 CHAINS AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUMAS HOWARD AVENUE SUBDIVISION AND WEST OF THE WEST LINE OF ENGEL'S ADDITION TO EVANSTON AS LAID OUT AND OCCUPIED, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 29 (EXCEPT THE EAST 5 FEET THEREOF) AND LOT 30 (EXCEPT THE WEST 5 FEET THEREOF) IN TENNIS' SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: THE EAST $\frac{1}{2}$ OF THE WEST 11.976 CHAINS OF THE SOUTH 8.35 CHAINS OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; ALSO A STRIP OF LAND LYING NORTH OF THE NORTH LINE OF THE ABOVE DESCRIBED TRACT AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUMAS HOWARD AVENUE SUBDIVISION AS LAID OUT AND OCCUPIED; ALSO A STRIP OF LAND LYING EAST OF THE EAST LINE OF WEST 11.976 CHAINS AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUMAS HOWARD AVENUE SUBDIVISION AND WEST OF THE WEST LINE OF ENGEL'S ADDITION TO EVANSTON AS LAID OUT AND OCCUPIED, IN COOK COUNTY, ILLINOIS.

PIN(s): 10-25-220-160-0000
10-25-220-146-0000

Commonly Known As: 1719-1723 Howard Street