

9/2/2015  
9/18/2015

**119-O-15**

**AN ORDINANCE**

**Granting A Major Variation Related to 2525 Oakton Street in the I3  
General Industrial Zoning District**

**WHEREAS**, Richard Slager (the "Applicant"), property manager of the property commonly known as 2525 Oakton Street (the "Subject Property"), located within the I3 General Industrial 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 the zoning requirement imposed by Subsection 6-14-4-7 of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

**WHEREAS**, the Applicant requests the following Major Variation:

- (A)** The Applicant requests a building height of seventy (70) feet where a maximum building height of sixty (60) feet or four (4) stories, whichever is less, is permitted; and

**WHEREAS**, on August 18, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0063 to consider the application, received testimony, and made written records and findings that the application did meet the standards for a Major Variation 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 September 15, 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 Variation, as requested; and

**WHEREAS**, at its meetings of September 15, 2015 and September 21, 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 Variation on the Subject Property applied for in case no. 15ZMJV-0063 and described hereinabove.

**SECTION 3:** The Major Variation approved hereby is as follows:

**(A)** Approval to allow a building height of seventy (70) feet. Subsection 6-14-4-7 permits a maximum building height of sixty (60) feet or four (4) stories, whichever is less.

**SECTION 4:** 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) Landscaping:** The Applicant shall fund landscaping on the adjacent property at 2450 Main Street ("Sam's Club") to further screen the block wall at the north end of the Subject Property.

**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.

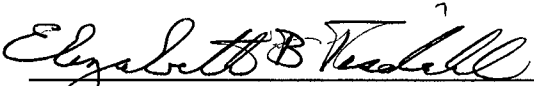
**SECTION 10:** The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 15, 2015

Approved:


Adopted: September 21, 2015


September 25, 2015

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A****Legal Description**

LOT 1 IN ZERA SUBDIVISION NUMBER 1 AND LOT 1 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, IN COOK COUNTY, ILLINOIS;

LOT 2 IN HARTREY-KEENEY CORP. RESUBDIVISION OF PART OF THE NORTH 5 FEET OF LOT A IN OAKTON CONSOLIDATION (IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 6, 1949 AS DOCUMENT NO. 14585303) AND ALL OF LOT 2 IN HESS' SUBDIVISION (OF PART OF THE NORTH 300 FEET OF THE WEST  $\frac{2}{3}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 24, TOWNSHIP 41, RANGE 13 EAST OF THE PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 21, 1957 AS DOCUMENT NO. 16831789 AND CERTIFICATE OF CORRECTION RECORDED APRIL 22, 1957 AS DOCUMENT NO. 16883249) ACCORDING TO THE PLAT THEREOF RECEIVED JANUARY 28, 1964 AS DOCUMENT NO. 19032512.

LESS AND EXCEPT: THE SOUTHERLY 339.95 FEET AS MEASURED ALONG THE WESTERLY LINE OF LOT 1 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, OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

**PINs:** 10-24-300-023-0000  
10-24-300-034-0000  
10-24-300-044-0000

**Commonly Known As:** 2525 Oakton Street, Evanston, Illinois