

7-O-19

AN ORDINANCE

Granting a Special Use Permit for a Medical Office Located at 705 Main Street in the B2 Business District and the oDM Dempster-Main Overlay District (“Evanston Family Chiropractic and Wellness Center”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on December 18, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0097, an application filed by Sean Curry (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 705 Main Street (the “Subject Property”) and located in the B2 Business District and oDM Dempster-Main Overlay District, for a Special Use Permit to establish, pursuant to Subsection 6-15-17-5 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Medical Office, “Evanston Family Chiropractic and Wellness Center,” on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a Medical Office 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 January 14, 2019, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approve the application in case no. 18ZMJV-0097; and

WHEREAS, at its meetings of January 14, 2019 and January 28, 2019, the City Council considered and adopted the respective 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 found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a Medical Office on the Subject Property as applied for in case no. 18ZMJV-0097.

SECTION 3: Pursuant to Subsection 6-9-5-3 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 6-3-5 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 may operate the ground floor medical Office authorized by this ordinance within a reasonable time frame consistent with the businesses operating within the Dempster-Main business district.
- C. Active Retail Storefront Business:** The operation of the special use authorized by this ordinance shall include an expanded retail area with additional retail goods available to constitute an active retail storefront business.
- D. 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: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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

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: January 19, 2019

Approved:

Adopted: January 28, 2019

May 23, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOTS 7, 8 AND THE EAST 9 1/2 FEET OF LOT 9 IN FOSTER'S ADDITION TO SOUTH EVANSTON, A SUBDIVISION OF THE SOUTH 276.5 FEET OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF SHERMAN AVENUE WEST OF RAILROAD, AND NORTH OF LINCOLN STREET (EXCEPT THE WEST 50 FEET THEREOF OF THE SOUTH 100 FEET THEREOF) IN COOK COUNTY, ILLINOIS.

PIN: 11-19-117-050-0000

COMMONLY KNOWN As: 705 Main Street, Evanston, Illinois.