

158-O-19

AN ORDINANCE

**Granting Major Variation at
1570 Oak Avenue**

WHEREAS, Oak Ridge Property Evanston LLC, (the "Applicant"), owner of the property commonly known as 1570 Oak Avenue (the "Subject Property"), located within the R6 General Residential Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of a Major Variation from Subsection 6-16-2-1(B)(2) of the Evanston City Code of 2012, as amended ("the Zoning Code"), permitting the lease of fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation related to the Subject Property:

- (1) To lease fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property where the lease of parking spaces from the City more than one thousand (1,000) feet from the lot requiring said parking is not permitted pursuant to Zoning Code Subsection 6-16-2-1(B)(2).

WHEREAS, on October 15, 2019, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held public hearings in case no. 19ZMJV-0081 to consider the application, received testimony, and made written records and findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12(E) of the Zoning Code and recommended City Council approval thereof; and

WHEREAS, at its meeting on November 25, 2019, the Planning and Development ("P&D") Committee of the City Council considered the ZBA's recommendation and recommended City Council approve the Major Variation, as requested; and

WHEREAS, at its meeting on December 9, 2019, 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. 19ZMJV-0081 and described hereinabove.

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

- (A) To permit the lease fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property where the lease of parking spaces from the City more than one thousand (1,000) feet from the lot requiring said parking is not permitted pursuant to Zoning Code Subsection 6-16-2-1(B)(2).

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) Recordation:** The Applicant shall, at its cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City.

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.

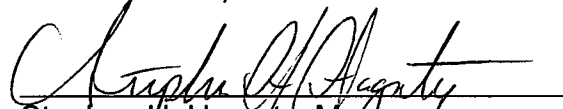
SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: November 25, 2019

Approved:

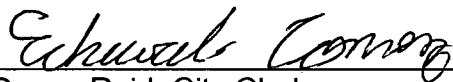
Adopted: December 9, 2019

February 6, 2019


Stephen W. Hagerty, Mayor

Attest:

Approved as to form:


~~Devon Reid, City Clerk~~
Eduardo Gomez, Deputy City Clerk


Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

Legal Description

The North 66 2/3 feet of Lot 4 in Block 61 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

PIN: 11-18-308-008-0000

Commonly Known As: 1570 Oak Avenue, Evanston, Illinois.