

4-O-04

**AN ORDINANCE**

**Granting a Special Use for a Drive-Through  
Facility and Major Variation For a One-Story  
Building at 824 Emerson Street/1740 Benson Avenue**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on November 4, 2003 and November 18, 2003 pursuant to proper notice in case no. ZBA 03-66-SU (R) to consider an application by Robert Yohanan as agent for Surol Partnership, property owner of the subject property at 824 Emerson Street/1740 Benson Avenue in a C1 Commercial District, for a special use for a drive-through facility and a major variation for a one-story building zero feet from the rear lot line with parking spaces zero feet from the north and rear lot lines pursuant to Section 6-10-2-3 and to Sections 6-10-2-8 and 6-16-2-1, respectively, of the Zoning Ordinance; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application met the standards for special uses in Section 6-3-5 and for major variations in Section 6-3-8-12 (E) of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation at its January 12, 2004 meeting and recommended City Council approval thereof; and

**WHEREAS**, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its January 12, 2004 and January 26, 2004 meetings, and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the special use and major variation applied for in case no. ZBA 03-66-SU (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 824 Emerson Street/1740 Benson Avenue, Evanston, Illinois.

**SECTION 3:** That, pursuant to Section 6-3-5-12 and Section 6-3-8-14 of the Zoning Ordinance, which provide, respectively, that the City Council may impose conditions on the grant of a special use and the grant of a major variation, the following conditions are hereby imposed. When necessary to effectuate said conditions, "applicant" shall be read as "owner" or "operator".

- A. Development and use of the subject property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the applicant to the ZBA, Planning and Development Committee, and City Council, and with the approved plans and documents on file in this case.
- B. The applicant shall install, or cause to be installed, all plant material and/or other features depicted on the landscape plan approved by

the City as a condition to City issuance of a final Certificate of Occupancy; and

- C. The applicant shall submit a landscape maintenance plan for review and approval by the City Superintendent of Parks and Forestry which shall guarantee that any plantings made that die or fail to thrive shall be replaced by the applicant during the earliest planting season thereafter, upon written notification to the property owner from the City.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 12, 2004

Adopted: January 26, 2004

Approved:

January 27, 2004  
Lorraine H. Norton  
Mayor

ATTEST:

Mary D. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

## EXHIBIT A

### Legal Description

824 Emerson Street/1740 Benson Avenue

Lot 5 (except that part lying Southerly of a line drawn from a point on the East line of said Lot 5, which is 25.24 feet North of the Southeast corner thereof, to a point on the West line of said Lot 5, which is 91.30 feet North of the Southwest corner thereof) in Block 6 in Evanston, in the Southeast quarter of the Northwest quarter of Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.