

4/12/2005
3/7/2005

40-O-05

AN ORDINANCE

**Granting a Special Use for a
Convenience Store at 555 Howard Street
In a B3 Business District**

WHEREAS, the Zoning Board Appeals ("ZBA") met on February 15, 2005, pursuant to proper notice, in case number ZBA 05-07-SU(R) to consider an application for a special use to operate a Convenience Store pursuant to Section 6-9-4-3 of the Zoning Ordinance filed by John E. Peterson, Jr., owner of the property at 555 Howard Street ("subject property") in a B3 Business District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a verbatim record and written findings that the application for the Convenience Store met the standards for special uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's record, findings, and recommendation at its March 14, 2005 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records, findings and recommendations of the ZBA and the Planning and Development Committee, with modifications, at its March 14, 2005 and March 28, 2005 meetings,

**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 respective records, findings, and recommendations of the ZBA and the Planning and Development Committee, as modified, and hereby approves the special use applied for in case number ZBA 05-07-SU(R) on property legally described in Exhibit A, attached hereto and made a part hereof.

SECTION 3: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed, and when necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator" or "applicant's successors in interest".

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, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case. The development and use shall further be in substantial compliance with the interior site plan submitted by the applicant and attached hereto as Exhibit B, and shall limit the floor area occupied by shelves, racks, or other display elements for non-automotive products offered for retail sales to no more than sixty percent (60%) of the twenty-four foot by eighteen foot (24' x 18') area therein depicted.

B. 1) The applicant shall adhere to a litter collection plan requiring the policing of an area located within a two hundred fifty foot (250') radius of the building in which the use is located. This area shall be policed once every three hours during the hours the use is in operation and shall be kept free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, and all other litter of any type emanating from any source. This Ordinance shall prevail over any inconsistent or contrary provisions in the litter collection plan.

2) For the purpose of this Ordinance, "litter" shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish,

ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

C. As represented by the Applicant to the ZBA, the special use approved hereby: a) shall not operate prior to 7:00 a.m. nor later than 7:00 p.m. on weekdays, shall not operate prior to 7:00 a.m. nor later than 4:00 p.m. on Saturdays, and shall not operate on Sundays; and b) shall sell only prepackaged food and/or beverages, all for consumption off the subject property. Foods and beverages which either require cooking or heating, or which are customarily cooked or heated prior to consumption, shall not be sold.

D. The use approved hereby shall be allowed only as an accessory use to an automobile service station as the principal use devoting no less than fifty percent (50%) of the building on the subject property for automotive service bays.

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: March 14, 2005

Adopted: April 12, 2005

Approved: April 14, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

[Signature]
Corporation Counsel

EXHIBIT A

LOTS 3, 4, 5, 6 AND 7 IN BLOCK 3 OF NILES HOWARD TERMINAL ADDITION, A SUBDIVISION OF THE SOUTH 6.25 CHAINS (412.5 FEET) OF THAT PART OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE RIGHT-OF-WAY OF THE CHICAGO NORTHWESTERN RAILROAD, IN COOK COUNTY, ILLINOIS

(PERMANENT INDEX NOS. 11-30-211-008-0000, 11-30-009-0000, 11-30-211-010-0000, 11-30 211-011-0000, AND 11-30-211-012-0000)

Exhibit B



