

49-O-05

AN ORDINANCE

**Granting a Special Use and Major Variation
for an Automobile Service Station at
2450 Main Street in a C1 Commercial District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on March 1, 2005 and pursuant to proper notice in case no. ZBA 05-09-SU &V (R) to consider an application by Janson Ting, as agent for Sam's Club, with written permission from Wal-Mart Stores, Inc., property owner of the subject property at 2450 Main Street in a C1 Commercial District, for a special use and major variation for an automobile service station pursuant to Section 6-10-2-3 and to Section 6-3-8-3(D) 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 March 28, 2005 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee at its March 28, 2005 and April 12, 2005 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 05-09-SU & V (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 2450 Main Street, 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 maximum height of the canopy shall be seventeen feet and five inches (17'5") at its shortest point.
- C. The proposed use shall open no earlier than one hour before and close no later than one hour after the Sam's Club hours of operation.

- D. Any lighting emanating from or within the canopy shall be turned off when the use is not open for business.
- E. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a landscape maintenance plan to the Director of Parks, Recreation and Forestry for review and approval. Compliance with the approved plan is required.

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 28, 2005

Adopted: April 12, 2005

Approved:

April 14, 2005
Laurence H. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

EXHIBIT A

PARCEL 1: LOT 3 (EXCEPT THE EAST 15.50 FEET OF THE NORTH 78.27 FEET THEREOF) IN FINAL PLAT OF MAIN STREET COMMONS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1993 AS DOCUMENT 93193389, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF LOT 1 LYING WESTERLY OF THE WESTERLY LINE OF LOT 1 IN ZERA SUBDIVISION NO. 2, RECORDED DECEMBER 2, 1981 AS DOCUMENT 26074399, IN FINAL PLAT OF MAIN STREET COMMONS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 15, 1993 AS DOCUMENT 93193389, IN COOK COUNTY, ILLINOIS.