

6/9/2009
6/1/2009

40-O-09

AN ORDINANCE

**Granting a Special Use for an Animal Hospital
Located at 2515 Gross Point Road
in the C2 Commercial Zoning District
("Berglund Animal Hospital")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met, pursuant to proper notice, on May 5, 2009 to consider case no. 09ZMJV-0024, an application by Mark Howes, D.V.M (the "Applicant"), owner of the property at 2515 Gross Point Road, located in the C2 Commercial District (the "Subject Property"), for a Special Use to operate an Animal Hospital on the Subject Property, pursuant to Subsection 6-10-4-3 of Title 6 of the Evanston City Code, 1979, as amended, ("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 set forth in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meetings of June 8, 2009 and July 13, 2009, the Planning and Development Committee of the City Council ("P&D Committee") considered and ultimately adopted the ZBA's findings and recommendation and recommended City Council approval thereof; and

WHEREAS, at its meeting of July 13, 2009, the City Council considered and adopted the respective records and recommendations of the ZBA and the P&D Committee, as amended,

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

SECTION 1: That 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 P&D Committee's record, findings, and recommendation, and hereby approves the Special Use for an Animal Hospital, applied for in case no. 09ZMJV-0024, on property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 2515 Gross Point Road, Evanston, Illinois.

SECTION 3: That, pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use, violation of any of which shall constitute grounds for revocation of said Special Use pursuant to Subsection 6-3-10-6 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, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and with the approved plans and documents on file in this case.

- B. Medical Waste:** The Applicant shall dispose of all medical waste and sharps generated by the Special Use authorized by the terms of this ordinance in accord with all applicable laws and regulations, as may be amended from time to time.
- C. Parking Lease:** In order to satisfy parking requirements for the Special Use granted by the terms of this ordinance, the Applicant shall, pursuant to Subsection 6-16-2-1 (B)2 of the Zoning Ordinance, sign and execute a long-term lease with the City for the right to use the public parking spaces located on the northern side of Harrison Street and immediately south of the Subject Property. Pursuant to Subsection 6-16-3-4 of the Zoning Ordinance, the Zoning Administrator has determined that the Special Use requires eight (8) parking spaces.
- D. Fine for Non-Compliance:** Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in said notice within five (5) days, the Applicant shall owe the City a fine of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant fails to comply. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay any such fine within thirty (30) days of written notice from the City to do so.

SECTION 4: That, 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 5: That, 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: That 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 before the City may issue any permits or licenses related to the construction or operation of the Special Use authorized hereby.

SECTION 7: That 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: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: 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: July 13, 2009 Approved:
Adopted: July 13, 2009 July 15, 2009

Elizabeth B. Tisdahl, Mayor

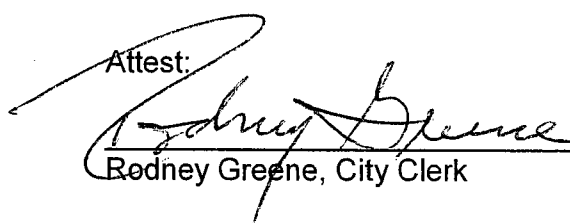

Attest: 
Rodney Greene, City Clerk
Approved as to form: 
Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOTS 22 AND 23 IN HIGHLANDS TERMINAL, BEING A SUBDIVISION IN THE NORTHEAST FRACTIONAL $\frac{1}{4}$ OF FRACTIONAL SECTION 10, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 10-10-201-001-0000
10-10-201-002-0000

COMMONLY KNOWN As: 2515 Gross Point Road, Evanston, Illinois.

