

11/14/2012

**138-O-12**

**AN ORDINANCE**

**Granting a Special Use Permit and Major Variation  
for an Automobile Service Station and Accessory Structure  
Located at 2400 Main Street in the C1 Commercial Zoning District  
("Food 4 Less Gas Station")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on October 16 and November 13, 2012, pursuant to proper notice, to consider case no. 12ZMJV-0068, an application filed by Ralph's Grocery Company, d/b/a "Food 4 Less Midwest", lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2400 Main Street (the "Subject Property") and located in the C1 Commercial Zoning District, for a Special Use Permit and Major Variation to establish, pursuant to Subsections 6-10-2-3 and 6-3-8-3-(D)-2 of Title 6 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), an Automobile Service Station and accessory structure on the Subject Property; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit and Major Variation met the standards set forth in Subsections 6-3-5-10 and 6-3-8-12-(E) of the Zoning Ordinance and recommended City Council approval of said application; and

**WHEREAS**, at its meeting of November 26, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 12ZMJV-0068; and

**WHEREAS**, at its meetings of November 26 and December 10, 2012, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and 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 approves the Special Use Permit for an Automobile Service Station on the Subject Property as applied for in case no. 12ZMJV-0068.

**SECTION 3:** The City Council hereby grants a Major Variation to permit construction, on the Subject Property, of a flat roof canopy not to exceed nineteen feet (19') in height measured from the lowest grade point beneath the canopy to the highest point of the canopy; Subsection 6-4-6-2-(G) of the Zoning Ordinance establishes a maximum height of fourteen feet, six inches (14'6") for accessory structures.

**SECTION 4:** Pursuant to Subsections 6-3-5-12 and 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit and Major Variation, 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 Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.

**B. Recordation:** Before it may make use of the Special Use Permit and/or Major Variation authorized by this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

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

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** The findings and recitals contained 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.

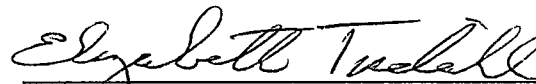
**SECTION 9:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: November 26, 2012

Approved:


Adopted: December 10, 2012


December 13, 2012

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOT 1 IN EVANSTON MAIN STREET COMMONS RE-SUBDIVISION, BEING A RE-SUBDIVISION OF LOT 2 AND PART OF LOT 3 IN MAIN STREET COMMONS SUBDIVISION, AND A RE-SUBDIVISION OF PART OF LOT 2 IN GENERAL DYNAMICS - EVANSTON INDUSTRIAL PARK, ALL IN THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED SEPTEMBER 24, 2005 AS DOCUMENT 0532539031.

**COMMONLY KNOWN As:** 2400 Main Street, Evanston, Illinois.