

96-O-16

AN ORDINANCE

**Granting a Special Use Permit and Major Variations to Replace
Electrical Equipment Located at 1919 Church Street in the
B2 Business District and the oWE West Evanston Overlay District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on July 5, 2016, pursuant to proper notice, to consider case no. 15ZMJV-0114, an application filed by Robert Edelman, contractor for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1919 Church Street (the “Subject Property”) and located in the B2 Business District and the oWE West Evanston Overlay District, for a Special Use Permit and a Major Variation to replace, pursuant to Subsections 6-9-3-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), electrical equipment on the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation:

- (A)** The Applicant requests to replace existing utility equipment with a distribution center in a box (“DC in a Box”) utility equipment screened from the right-of-way by landscaping where screening by both landscaping and a solid fence is required;
- (B)** The Applicant requests to landscape to screen open parking from the right-of-way along Brown Avenue where landscaping and a three (3) to four (4) foot steel or polyvinyl chloride (“PVC”) picket fence is required to screen open parking from the right-of-way along Brown Avenue;

(C) The Applicant requests a continuous hedge with plantings forty-eight (48) inches on center where a continuous hedge with plantings spaced thirty-six (36) inches on center is required; 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 a Major Variation met the standards for Special Uses in Section 6-3-5-10 and 6-3-8-12 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of July 25, 2016, 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 submitted site plans and approve the application in case no. 15ZMJV-0114; and

WHEREAS, at its meeting of July 25, 2016, the City Council considered the submitted application and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the P&D Committee's records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10(D) of the Zoning Ordinance, the Special Use Permit for a Public Utility and the Major Variations on the Subject Property applied for in case no. 15ZMJV-0114 and described hereinabove.

SECTION 3: The Major Variation approved hereby is as follows:

- (A) Approval to replace existing utility equipment with DC in a Box utility equipment screened from the right-of-way by landscaping. Subsection 6-15-15(XXI)(C)(1) requires screening by landscaping and a solid fence for the installation of utility equipment on the Subject Property.
- (B) Approval to permit only landscaping to screen open parking from the right-of-way along Brown Avenue. Subsection 6-15-15(XVIII)(B)(5) requires landscaping and a three (3) to four (4) foot steel or PVC picket fence to screen open parking from the right-of-way along Brown Avenue on the Subject Property.
- (C) Approval to permit a continuous hedge with plantings spaces forty-eight (48) inches on center. Subsection 6-15-15(XXI)(C)(2) requires a continuous hedge with plantings spaces thirty-six (36) inches on center on the Subject Property.

SECTION 3: Pursuant to Subsection 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 of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant must 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; the General Site Plan in Exhibit B, attached hereto and incorporated herein by reference; and the approved plans and documents on file in this case.
- B. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant must record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: 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 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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.

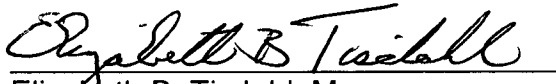
SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: July 25, 2016

Approved:


Adopted: July 25, 2016

August 1, 2016


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

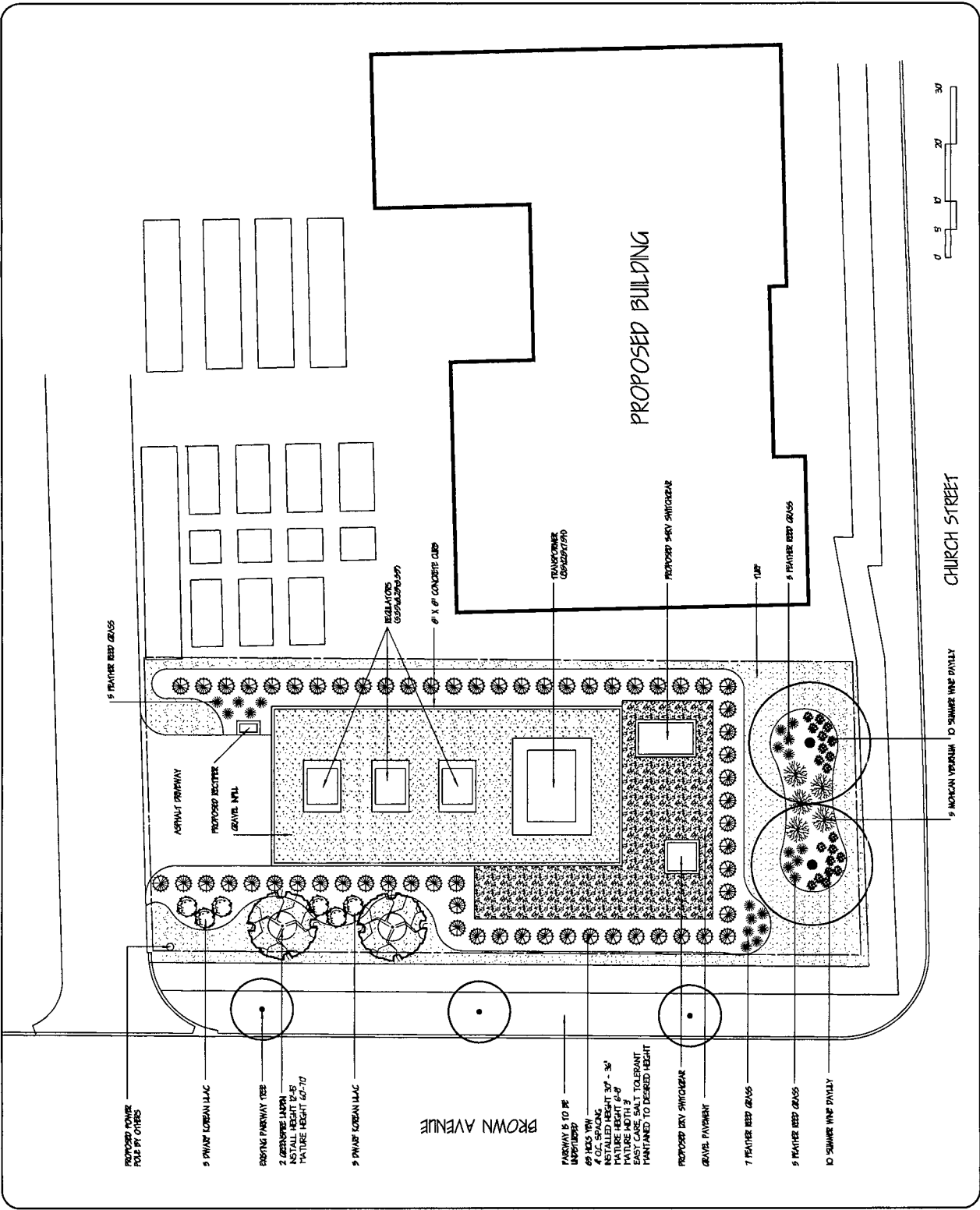
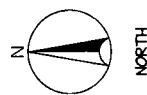
LOTS 51 & 52, IN BLOCK 1, IN J.S. HOVLAND'S EVANSTON SUBDIVISION OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE CITY OF EVANSTON, IN THE COUNTY OF COOK, IN THE STATE OF ILLINOIS.

PIN: 10-13-119-069-0000

COMMONLY KNOWN As: 1919 Church Street, Evanston, Illinois.

EXHIBIT B

GENERAL SITE PLAN



5 FEATHER REED GRASS

ASPHALT DRIVEWAY

PROPOSED RECTANGLE

GRAVEL INLET

REGULATORS (555555555555)

6" X 6" CONCRETE CURB

TRANSFORMER (5555555555)

PROPOSED SKY SIGNAGE

TURF

5 FEATHER REED GRASS

5 MICHIGAN YEWBURN 10 SUMMER WIND PAVILY

CHURCH STREET

PROPOSED SQUARE
POLE 8 FT. DIAMETER

5 SHAWNEE LOCUSTAN 11-14-16

ROBINS PARKWAY TREE

2 LEBESQUE LARPER
INSTALL HEIGHT 12-15
MATURE HEIGHT 40-110

5 SHAWNEE LOCUSTAN 11-14-16

BROWN AVENUE

PARKWAY 18 TO 20 FT
UNPAVED

40 HICKS YEW
4 0.5' SPACING
INSTALL HEIGHT 37' - 38'
MATURE HEIGHT 45-60'
EAST CARE SALT TOLERANT
MAINTAINED TO DESIRED HEIGHT

PROPOSED SKY SIGNAGE

GRAVEL PAVEMENT

7 FEATHER REED GRASS

5 FEATHER REED GRASS

10 SUMMER WIND PAVILY

