

6/13/2017

56-O-17

AN ORDINANCE

**Granting a Special Use Permit and Major Variations to Replace
Electrical Equipment Located at 2506 Green Bay Road in the
B1a Business District and the oCSC Central Street Overlay District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on June 6, 2017, pursuant to proper notice, to consider case no. 17ZMJV-0035, an application filed by Marylin Ferruzza, contractor for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2506 Green Bay Road (the “Subject Property”) and located in the B1a Business District and the oCSC Central Street Overlay District, for a Special Use Permit and a Major Variation to replace, pursuant to Subsections 6-9-5-3 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 construct two (2) concrete wall fences that are sixteen (16) feet and twenty (20) feet in height, respectively, where concrete material is not permitted for fences; and
- (B) The Applicant requests to construct two (2) concrete wall fences that are sixteen (16) feet and twenty (20) feet in height, respectively, where the maximum fence height permitted is six (6) feet; 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 June 26, 2017, 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. 17ZMJV-0035; and

WHEREAS, at its meetings of June 26, 2017 and July 10, 2017, 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. 17ZMJV-0035 and described hereinabove.

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

- (A)** Approval to install two (2) concrete wall fences that are sixteen (16) feet and twenty (20) feet, respectively. Subsection 6-4-6-7(F)(1) prohibits the installation of concrete fences on the Subject Property.
- (B)** Approval to install two (2) concrete wall fences that are sixteen (16) feet and twenty (20) feet, respectively. Subsection 6-4-6-7(F)(3) prohibits the installation of fences greater than six (6) feet on the Subject Property.

SECTION 4: 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. Wall Heights:** Walls should be at the minimum height necessary as determined by the thermographic study and as approved by the City of Evanston Fire Department.
- C. Lighting:** Lighting shall be added on the interior and/or exterior of the walls as deemed necessary for safety purposes.
- D. 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 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: 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.

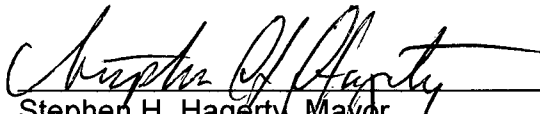
SECTION 9: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: June 26th 2017

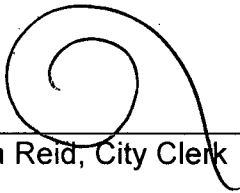
Approved:

Adopted: July 10th, 2017

September 14, 2017


Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



W. Grant Farrar
Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

THE NORTHERLY THIRTY EIGHT (38) FEET OF THE WESTERLY SEVENTY (70) FEET OF LOT NINE (9), BLOCK SIXTEEN (16), NORTH EVANSTON, IN THE EAST HALF (1/2) OF FRACTIONAL SECTION TWELVE (12), TOWNSHIP FORTY ONE (41) NORTH, RANGE THIRTEEN (13) EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT NINE (9); THENCE SOUTHWESTERLY ON THE SOUTHWESTERLY LINE OF SAID LOT A DISTANCE OF THIRTY EIGHT (38) FEET; THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT A DISTANCE OF SEVENTY (70) FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT A DISTANCE OF THIRTY EIGHT (38) FEET TO THE NORTHWESTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY ON SAID NORTHWESTERLY LINE A DISTANCE OF SEVENTY (70) FEET TO THE POINT OF BEGINNING;

ALSO

TOGETHER WITH A NON-EXCLUSIVE PERPETUAL EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF THE LAND HEREINABOVE CONVEYED FOR ALL PURPOSES OF INGRESS AND EGRESS BETWEEN ANY PART OF SAID PREMISES AND THE ALLEY WEST OF AND ADJOINING SAID LOT NINE (9), INCLUDING A ROADWAY AND ALL UTILITY USES IN, UPON, UNDER, ALONG AND ACROSS: THE WESTERLY SEVENTY (70) FEET OF SAID LOT NINE (9) EXCEPTING THE NORTHERLY THIRTY EIGHT (38) FEET THEREOF; SUBJECT TO:

1. GENERAL TAXES FOR THE YEAR 1954 AND SUBSEQUENT YEARS;
2. EXISTING EASEMENTS AND RIGHTS OF PUBLIC SERVICE CORPORATIONS, IF ANY;
3. BUILDING LINE AND ZONING RESTRICTIONS, IF ANY.

SITUATED IN THE COUNTY OF COOK IN THE STATE OF ILLINOIS.

PIN: 10-12-200-026-0000

COMMONLY KNOWN AS: 2506 Green Bay Road, Evanston, Illinois.

EXHIBIT B

GENERAL SITE PLAN