

144-O-18

AN ORDINANCE

Granting a Special Use Permit for a Type 2 Restaurant and a Drive-Through Facility Located at 1919 Dempster Street in the C2 Commercial District (“McDonald’s”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on September 25, 2018 and October 16, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0080, an application filed by James E. Olguin (the “Applicant”), attorney for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1919 Dempster Street (the “Subject Property”) and located in the C2 Commercial District, for a Special Use Permit to establish, pursuant to Subsection 6-10-4-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant with a Drive-Through Facility, “McDonald’s,” on the Subject Property; and

WHEREAS, the Applicant specifically requests a special use permit to include an addition of a ninety-one (91) square foot building addition for a new drive-through window and a second ordering lane for a dual drive-through facility; 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 for a Type 2 Restaurant and a Drive-Through Facility met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of November 12, 2018, 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. 18ZMJV-0080; and

WHEREAS, at its meetings of November 12, 2018 and November 26, 2018, the City Council considered 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 approves the Special Use Permit for a Type 2 Restaurant with a Drive-Through Facility on the Subject Property as applied for in case no. 18ZMJV-0080.

SECTION 3: Pursuant to Subsection 6-9-5-3 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-5 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 including the site plan attached as Exhibit B and documents on file in this case, including but not limited to: the Sustainability Practices for Type 2 Restaurants submitted by the Applicant.
- B. Hours of Operation:** The City Council shall use the information provided by staff and the Applicant regarding police incidents and percentage of sales conducted between midnight and 5:00 A.M. to determine if a reduction of hours of operation is necessary.

- C. **Signage:** Additional signage is required at all ingress and egress locations on the Subject Property to alert customers to the Dodge Avenue entrance and exit, and to alert customers to the one way in and one way out on Dempster Street.
- D. **Parking:** All ADA parking shall be accessible from all vehicular entrances and must be added in the parking area west of the building on the Subject Property. Short term parking for customers awaiting orders shall be located in the parking area west of the building on the Subject Property.
- E. **Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall 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: November 12, 2018

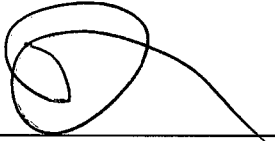
Adopted: November 12, 2018

Approved:

November 29, 2018

Stephen H. Hagerly
Stephen H. Hagerly, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOT 1 IN MCDONALD'S CONSOLIDATION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 29, 1988 AS DOCUMENT NUMBER 88285076, IN COOK COUNTY, ILLINOIS.

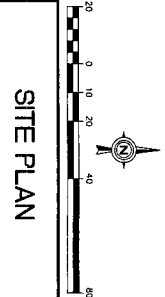
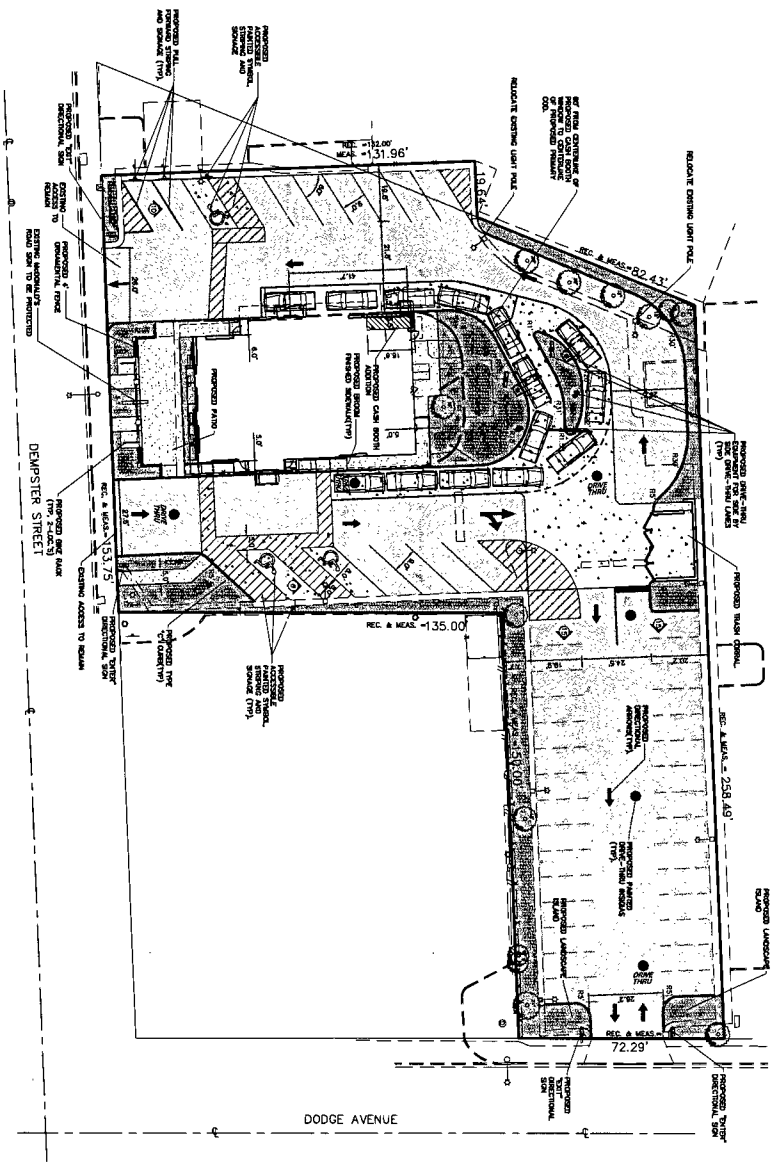
PIN: 10-13-322-043-0000

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

EXHIBIT B

SITE PLAN

1. Watermark Engineering Resources, Ltd. is the author of this drawing.



SITE PLAN

GENERAL NOTES:
 1. THESE PLANS ARE BASED ON THE BOUNDARY AND TOPOGRAPHIC SURVEY - 1/28/18 - (SIGNED DATED BY 7/8/18) PREPARED BY: GENTLE AND ASSOCIATES, INC. (G&A) 816-832-8282
 2. PRIOR TO CONSTRUCTION, CONTRACTOR TO CONTACT THE ADJACENT PROPERTY OWNERS TO VERIFY THE EXISTING SET OF PLANS AND SPECIFICATIONS.

ON SITE PARKING DATA

PROPOSED REGULAR SPACES	44
PROPOSED TOTAL SPACES	46
EXISTING PARKING = 82	

SITE DATA

LOT AREA = 40,792 SQ. FT. (0.94 AC.)

SITE PLAN NOTES:
 1. PROPOSED SIGNAGE ARE SHOWN AND RESPONSIBILITY TO THE SOUTHERN PROPERTY LINE.
 2. ALL ROAD DIMENSIONS ARE TO BACK OF CURB DIMENSIONS.
 3. ALL SIGNING TO BE DOUBLE COATED "YELLOW PAINT".
 4. ALL SIGNING TO BE DOUBLE COATED "YELLOW PAINT".
 5. WHERE FOOTING'S HAVE TO CROSS A TRAVELING SLUMP OR OILING RAMP THE FACE AND TOP OF CURB ARE TO BE PAINTED WITH YELLOW SIGN RESISTANT PAINT.

CHECKED BY: J. MILLER
DESIGN BY: K. SACK
DRAWN BY: K. SACK
DATE: OCTOBER 31, 2018
SCALE: 1" = 20'
PROJECT NO.: 04-067.01

Watermark Engineering RESOURCES, LTD.

2831 Gidge Woods Parkway, Suite 100 Aurora, IL 60502
 phone 630-375-1800 fax 630-236-2600 www.watermark-engineering.com

McDonald's
 711 Jorie Blvd., 3rd Floor
 Oak Brook, IL 60523
McDONALD'S - EVANSTON, IL
 1919 W. Dempster Street
 Evanston, Illinois

NO.	REVISIONS	DATE

Prepared For: _____