

32-O-19

AN ORDINANCE

Granting a Special Use Permits for an Automobile Service Station and a Convenience Store and a Major Variation Located at 140 Chicago Avenue in the C1 Commercial Mixed-Use District

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on March 19, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0014, an application filed by Eric Eriksson (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 140 Chicago Avenue (the “Subject Property”) and located in the C1 Commercial Mixed-Use District, for a Special Use Permit to establish, pursuant to Subsection 6-10-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), an automobile service station; for a Special Use Permit to establish, pursuant to Subsection 6-10-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a convenience store; and a Major Variation pursuant to Subsection 6-16-2-7, Table 16A of the Zoning Ordinance on the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation:

- (A)** Relief to reduce the required driveway aisle width adjacent for 90-degree parking stalls from twenty-four (24) feet to twenty-one (21) feet; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for Special Use Permits for an automobile service station and a convenience store and for a Major Variation met the

standards for Special Uses in Section 6-3-5 and for the Major Variation in Section 6-3-8-12 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of April 22, 2019, 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. 19ZMJV-0014; and

WHEREAS, at its meeting on April 22, 2019, 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 an automobile service station, the Special Use Permit for a convenience store, and the Major Variation on the Subject Property as applied for in case no. 19ZMJV-0014.

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

(A) Approval to reduce the required driveway aisle width adjacent for 90-degree parking stalls from twenty-four (24) feet to twenty-one (21) feet.

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant’s Special Use Permits and Major Variations, 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 and documents on file in this case.
- B. Hours of Operation:** The Applicant may operate the business on the Subject Property twenty-four (24) hours a day, seven (7) days a week.
- C. Lighting Plan:** The Applicant will submit a lighting plan to the City in compliance with the City's lighting code.
- D. Employee Parking:** The Applicant must require employees of the Subject Property to park in an off-street parking lot.
- E. Deliveries:** The Applicant agrees that all delivery vehicles shall not park or stage on Chicago Avenue.
- F. 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 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: April 22nd, 2019

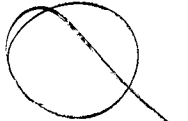
Approved:

Adopted: April 22nd, 2019

May 8, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

THAT PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF CHICAGO AVE., 645 FEET NORTHWESTERLY MEASURED ALONG A LINE OF SAID SOUTHWESTERLY STREET LINE PRODUCED TO THE INTERSECTION OF THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE WESTERLY LINE OF CHICAGO AVE., 59.85 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF CHICAGO AND NORTHWESTERN RAILROAD, 212.42 FEET TO THE NORTH LINE OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST QUARTER OF SAID SECTION 40; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST QUARTER OF SAID SECTION 30, 64.09 FEET TO THE SOUTHWESTERLY LINE OF CHICAGO AVE.; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF CHICAGO AVE. 224.71 FEET TO THE CITY OF CHICAGO BY DEED RECORDED JUNE 25, 1986 AS DOCUMENT 86260077, BEING THE NORTH 8 FEET DESCRIBED THEREIN. ALL IN COOK COUNTY, ILLINOIS.

PIN: 11-30-212-010-0000

COMMONLY KNOWN AS: 140 Chicago Avenue, Evanston, Illinois.