

125-O-20

AN ORDINANCE

**Granting a Special Use Permit for a Convenience Store Located at
1235 Dodge Avenue in the C1 Commercial District
("Munchies")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on November 17, 2020, pursuant to proper notice, to consider case no. 20ZMJV-0057, an application filed by Mohammed Ali (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1235 Dodge Avenue (the "Subject Property") and located in the C1 Commercial 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"), a convenience store 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 for a convenience store business 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 December 14, 2020, 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 approved the application in case no. 20ZMJV-0057; and

WHEREAS, at its meeting of December 14, 2020, 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 convenience store business on the Subject Property as applied for in case no. 20ZMJV-0057.

SECTION 3: Pursuant to Subsection 6-3-5 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. 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. Applicant shall work with City staff to add appropriate roadway safety measures along the Dodge Avenue frontage.
- C. Deliveries and loading/unloading shall utilize the alley rather than the street.
- D. Deliveries shall not occur during peak traffic times and should instead occur between 10am – 2pm.
- E. Hours of operation shall not exceed 7 am – 9 pm, 7 days a week.
- F. 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.

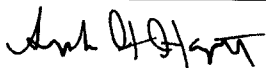
SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: December 14, 2020

Approved:

Adopted: December 14, 2020


December 31, 2020



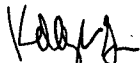
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:



Devon Reid, City Clerk



Kelley A. Gandurski, Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOT 1 IN KEATS RESUBDIVISION OF LOTS 36-39, ALL IN BLOCK 1 IN GOLEES RESUBDIVISION OF BLOCKS 4 AND 5 AND 8 IN CHASE AND PITNERS ADDITION TO EVANSTON IN THE NORTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 24, AND THE SOUTH $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ (EXCEPT THE NORTH 71 $\frac{1}{2}$ FEET) IN SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 20, 1989 AS DOCUMENT 89458950, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS 1235 DODGE AVENUE

PIN # 10-24-200-039-0000



FINDINGS

FOR STANDARDS OF
SPECIAL USE PERMITS

In the case of

Case Number: 20ZMJV-0057
Address or Location: 1235 Dodge Avenue
Applicant: Mohamad Ali, "Munchies"
Proposed Special Use: Convenience Store

After conducting a public hearing on November 17, 2020, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

<u>Standard</u>	<u>Finding</u>
(A) It is one of the special uses specifically listed in the zoning ordinance;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-0
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-0
(C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the city as a whole;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-0
(D) It does not interfere with or diminish the value of property in the neighborhood;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-0

(E) It can be adequately served by public facilities and services	<u> X </u> Met <u> </u> Not Met Vote 5-0
(F) It does not cause undue traffic congestion;	<u> X </u> Met <u> </u> Not Met Vote 5-0
(G) It preserves significant historical and architectural resources;	<u> X </u> Met <u> </u> Not Met Vote 5-0
(H) It preserves significant natural and environmental features; and	<u> X </u> Met <u> </u> Not Met Vote 5-0
(I) It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.	<u> X </u> Met <u> </u> Not Met Vote 5-0

and, based upon these findings, and upon a vote

 5 in favor & 0 against

Recommends to the City Council

 approval without conditions

 denial of the proposed special use

 X approval with conditions *specifically*:

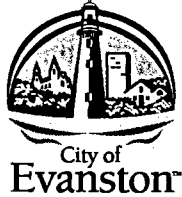
1. Hours of operation shall not exceed 7am – 9pm, 7 days a week.
2. Deliveries shall not occur during peak traffic times and should instead occur between 10am – 2pm.
3. Deliveries shall utilize the alley rather than the street.
4. Applicant shall work with City staff to add appropriate safety measures for parking, bicycles, and pedestrians such as signage or bollards near the street frontage.
5. The project be developed in substantial compliance with the documents and testimony on record.

Attending:

<u> X </u>	Max Puchtel
<u> X </u>	Myrna Arevalo
<u> </u>	Jill Zordan
<u> X </u>	Violetta Cullen
<u> </u>	Lisa Dziekan
<u> X </u>	Mary McAuley
<u> X </u>	Kiril Mirintchev

Vote:

<i>Aye</i>	<i>No</i>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> </u>	<u> </u>
<u> X </u>	<u> </u>
<u> </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>



MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, November 17, 2020
7:00 PM
Via Virtual Meeting

NOT APPROVED

Members Present: Violetta Cullen, Kiril Mirintchev, Jill Zordan, Lisa Dziekan,
Mary McAuley

Members Absent: Max Puchtel, Myrna Arevalo

Staff Present: C.W. Sterling, M. Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum

With a quorum present, Chair Cullen called the meeting to order at 7:00 p.m.

Suspension of Rules for digital meeting

Member McAuley motioned to suspend the rules to permit members to convene via virtual meeting. Second by Member Zordan and approved 5-0.

1235 Dodge Ave.

ZBA 20ZMJV-0057

Mohammed Ali, lessee, submits for a special use for a Convenience Store, Munchies, in the C1 Commercial District (Zoning Code Section 6-10-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Mr. Sterling read the case into the record.

The applicant explained the proposal:

- Convenience store will feature snacks, cookies, granola bars, chips, donuts, 3 coolers of drinks, beauty supply, diapers, medicine, and tobacco products.
- Tobacco products will be behind the counter only accessible to the employee at the register.

Member McAuley asked for clarification if an updated site plan was provided that clearly shows the tobacco products behind the counter, and staff clarified the updated site plan is provided in the ZBA packet but does not clearly show the unit or store layout. Member Mirintchev stated he knows the property well and explained there is one entrance from the street into a shared corridor and then the Convenience Store entrance is within that corridor.

The applicant explained the property also has a car wash business so customers could visit the Convenience Store while having their car washed. The applicant also noted only 2 high school students will be allowed in the store at one time. The store will offer delivery via Uber Eats.

Member Dziekan asked how deliveries to the store will occur, and the applicant explained there is a delivery area and back door at the rear of the property. There is some parking available in the rear.

The applicant clarified roughly 10% of the business is anticipated as tobacco related sales, not 50% as stated in the application. The applicant continued:

- Hours of operation will be 9am-9pm, seven days a week.
- Clarified there is street parking near the front door, and 4 spaces (including employee parking) in the rear.
- Anticipate only 10% of customers will drive and given the location most will walk from the surrounding neighborhood or from Evanston Plaza across the street.

Ms. McAuley noted the lease listing for the property does not say the 4 parking spaces in the rear are available for the Convenience Store or as a common area available for use. The applicant stated he will obtain that in writing prior to City Council.

Deliberation:

Member Mirintchev stated his only concern is parking because there typically is no parking in that area (which he knows personally from visiting the print shop in the same building often). If most customers are pedestrians then it will not be a big issue. Safety issues for pedestrians and bicyclists should be addressed by the City.

Member McAuley suggested the applicant work with the City to establish clear signage that states vehicles cannot park within the bike lane and addressing any other safety concerns.

Members discussed the best option for deliveries to ensure delivery vehicles do not block Dodge or the bicycle lane. Chair Cullen suggested the alley to the north should be used and includes a doorway entrance to the building.

Member Dziekan asked staff to clarify the limitation that more than 50% of sales for tobacco related items is not allowed, and Mr. Sterling stated tobacco sales can be monitored via Health licensing and inspections.

The Standards were addressed

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Member Dziekan motioned to recommend approval of the special use, seconded by Member McAuley with conditions and unanimously recommended:

1. Hours of operation shall not exceed 7am-9pm

2. Delivery hours shall be between 10am-2pm
3. All truck deliveries shall park in the rear
4. Applicant shall work with City staff to determine safety measures such as signage and bollards for parking/bike lane/pedestrians in front of the store.
5. Substantial compliance with the documents and testimony on record.

Adjourned 8:42pm