

**115-O-23**

**AN ORDINANCE**

**Approving an Amendment to the Special Use Permit For 2105 Crawford Avenue Previously Authorized by Ordinance 81-O-97**

**WHEREAS**, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

**WHEREAS**, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

**WHEREAS**, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and

**WHEREAS**, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended, (“the Zoning Ordinance”); and

**WHEREAS**, in 1997, the City Council enacted Ordinance 81-O-97, attached hereto as Exhibit 2 and incorporated herein by reference, which granted a Special Use Permit for an Animal Hospital (the “Animal Hospital”) at 2107 Crawford Avenue; and

**WHEREAS**, David Heredia, (the “Applicant”), the Project Manager for Blue River Pet Care/Fox Animal Hospital, submitted an application for an expansion of the existing Special Use at 2107 Crawford into the adjacent space previously occupied by a nail salon at 2105 Crawford Avenue, in the C1 Commercial District, all of which are located at the property commonly known as 2105-2107 Crawford Avenue, legally described and attached by reference herein as Exhibit 1; and

**WHEREAS**, following due and proper publication of notice in Pioneer North, a suburban publication of the Evanston Review, not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 500 feet of the Subject Property, and following the placement of signs on the Subject Property not less than ten (10) days prior thereto, the Land Use Commission (“LUC”) met on November 8, 2023, to consider case no. 23ZMJV-0056, the application filed by Applicant requesting an amendment to Ordinance 81-O-97, to expand the existing Special Use for an Animal Hospital, Blue River Pet Care/Fox Animal Hospital, into 2105 Crawford Avenue in the C1 Commercial District ; and

**WHEREAS**, after having considered the evidence presented, including the exhibits and materials submitted, and public testimony provided, with respect to the Special Use Permits pursuant to Section 6-3-5-10 of the Code, the LUC found that:

1. Is one of the listed special uses for the zoning district in which the property lies: An animal hospital is an approved special use within the C1 District.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: An animal hospital that utilizes existing vacant space aligns with the goals and standards of the plan, so the standard is met.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The minimal impact standard is met because the nature of the business suggests that the impact on the neighborhood will be minimal.

4. Does not interfere with or diminish the value of property in the neighborhood: A functioning thriving business in use in the neighborhood increases values, so the standard was found to be met.
5. Is adequately served by public facilities and services: The standard was found to be met.
6. Does not cause undue traffic congestion: The standard was found to be met.
7. Preserves significant historical and architectural resources: There is no change to the outside of the building so that standard is met.
8. Preserves significant natural and environmental resources: There is no change to the outside of the building so that standard is met.
9. 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 planning development process or the grant of a variation: The standard was found to be met.

**WHEREAS**, after making its findings as set forth herein, the LUC recommended approval of the requested Special Uses pursuant to Sections 6-3-5-7 and 6-3-5-10 of the Zoning Ordinance by a vote of five (5) “yes” votes and zero (0) “no” votes to the Planning and Development Committee (“P & D Committee”) of the City Council; and

**WHEREAS**, at its meeting of December 11, 2023, held in compliance with the Open Meetings Act and the Zoning Ordinance, the Planning and Development Committee of the City Council (“P&D Committee”) considered the LUC’s record and findings and recommended the City Council accept the LUC’s recommendation and approved the application in case no. 23ZMJV-0056; and

**WHEREAS**, at its meeting of December 11, 2023, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered and adopted the respective records, findings, and recommendations of the LUC 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 hereby found as fact and incorporated herein by reference.

**SECTION 2:** Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 81-O-97, as applied for in zoning case no. 23ZMJV-0056 for an expanded animal hospital in the C1 Commercial District.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the amended Special Use Permit for an Animal Hospital requested under zoning case no. 23ZMJV-0056, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

1. Hours of operation shall not exceed 8 am – 9 pm, 7 days a week.
2. One outdoor refuse container is required along with a pet waste station that includes pet waste bags.
3. The dead bushes at the front of the property shall be replaced within one year of the special use approval.
4. No more than 20% of the store windows shall be covered as allowed by the Sign Code.
5. The Applicant shall submit for a permit to tie the existing fire alarm panel at the Animal Hospital to the expanded area, as required by the Fire Department.
6. Substantial compliance with the documents and testimony on record is required.
7. Recordation of the special use ordinance with the Cook County Recorder of Deeds is required prior to operation.

**SECTION 5:** Except as otherwise provided for in this Ordinance 115-O-23, all applicable regulations of Ordinance 81-O-97, the Zoning Ordinance, and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 115-O-23 shall govern and control.

**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:** 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 herein are hereby 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 11, 2023

Approved:

Adopted: December 11, 2023

December 14, 2023

*Daniel Biss*

Daniel Biss, Mayor

Attest:

Approved as to form:

*Stephanie Mendoza*

*Alexandra B. Ruggie*

Stephanie Mendoza, City Clerk

Alexandra B. Ruggie, Interim Corporation Counsel

EXHIBIT 1

**LEGAL DESCRIPTION**

LOT 8 (EXCEPT THE WEST 10 FEET THEREOF), LOT 9 (EXCEPT THE WEST 10 FEET THEREOF) AND LOT 10 (EXCEPT THE WEST 10 FEET THEREOF) IN BLOCK 4 IN THE HIGHLANDS EVANSTON LINCOLNWOOD FIRST ADDITION, BEING A SUBDIVISION OF THE SOUTH WEST  $\frac{1}{4}$  OF THE SOUTH WEST  $\frac{1}{4}$  (EXCEPT THE WEST 20 ACRES THEREOF) OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-11-317-025-0000

EXHIBIT 2  
**ORDINANCE 81-O-97**



7/16/97

81-O-97

AN ORDINANCE

Granting A Special Use  
For An Animal Hospital  
at 2107 Crawford Avenue

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on July 1, 1997 in case number 97-19-SU (R), pursuant to proper notice on the application of Robert Fox, DVM, prospective lessee, on behalf of Cosa Sotos, property owner, for a special use to permit an animal hospital at 2107 Crawford Avenue, in a C1 Commercial District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made findings pursuant to section 6-3-5-10 of the Zoning Ordinance that the application met the standards for special uses, and recommended that the City Council grant the application,

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

SECTION 1: That the afore-described application of Robert Fox, DVM, is hereby granted, and the findings and recommendations of the ZBA hereby granted, on the property at 2107 Crawford Avenue, legally described as:

LOT 8 (EXCEPT THE WEST 10 FEET THEREOF), LOT 9 (EXCEPT THE WEST 10 FEET THEREOF) AND LOT 10 (EXCEPT THE WEST 10 FEET THEREOF) IN BLOCK 4 IN THE HIGHLANDS EVANSTON LINCOLNWOOD FIRST ADDITION, BEING A SUBDIVISION OF THE SOUTH WEST ¼ OF THE SOUTH WEST ¼

(EXCEPT THE WEST 20 ACRES THEREOF) OF SECTION 11,  
TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL  
MERIDIAN, IN COOK COUNTY, ILLINOIS.

SECTION 2: That pursuant to section 6-3-5-12 of the Zoning Ordinance, which  
provides that the City Council may impose conditions upon the grant of a special use,  
these conditions are hereby imposed:

- a. Operation of the animal hospital will be in relative compliance with the  
testimony presented and documents placed on file in this case.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are  
hereby repealed.

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

Introduced July 28, 1997

Adopted: August 18, 1997

Approved: August 19, 1997

Lorraine A. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

Kathleen T. Brennan  
Corporation Counsel