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
Adopted: April 22nd, 2019

Approved:

Stephen H. Hagerty, Mayor

Attest:

Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup, Corporation Counsel
EXHIBIT A


PIN:  11-30-212-010-0000

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