

63-O-21

AN ORDINANCE

**Granting a Special Use Permit for a Wholesale Goods Establishment
at 1731 Howard Street in the C1 Commercial District
("Montelimar Bread Company")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on May 18, 2021, pursuant to proper notice, to consider case no. 21ZMJV-0037, an application filed by Huda Shahin (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1731 Howard Street (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 Wholesale Goods Establishment, 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 Wholesale Goods Establishment 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 June 14, 2021, 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. 21ZMJV-0037; and

WHEREAS, at its meeting of June 28, 2021, 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 Wholesale Goods Establishment on the Subject Property as applied for in case no. 21ZMJV-0037.

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. Retail hours shall not be less than 10 a.m. to 3 p.m. daily.
- B. Rear deliveries shall not occur through the rear between the hours of 10 p.m. and 7 a.m.
- C. 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.
- D. 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: June 14, 2021
Adopted: June 28, 2021

Approved:
June 30, 2021

Daniel Biss
Daniel Biss, Mayor

Attest:
Stephanie Mendoza
Stephanie Mendoza, City Clerk

Approved as to form:
Nicholas E. Cummings
Nicholas E. Cummings, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

THE WEST 10 FEET OF LOT 35 AND ALL OF LOTS 36 AND 37 IN TENNES, SUBDIVISION IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

THE EAST $\frac{1}{2}$ OF THE WEST 11.976 CHAINS OF THE SOUTH 8.35 CHAINS OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL, ALSO A STRIP OF LAND LYING NORTH OF THE NORTH LINE OF THE ABOVE DESCRIBED TRACT AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUNAS HOWARD AVENUE SUBDIVISION AS LAID OUT AND OCCUPIED; ALSO A STRIP OF LAND LYING EAST OF THE EAST LINE OF WEST 11.976 CHAINS AND SOUTH OF THE SOUTH LINE OF FIRST ADDITION TO ARTHUR DUNAS HOWARD AVENUE SUBDIVISION AND WEST OF WEST LINE OF ENGEL'S ADDITION TO EVANSTON AS LAID AND OCCUPIED, IN COOK COUNTY, ILLIONS.

PIN: 10-25-220-127-0000

Commonly Known As: 1731 Howard Street, Evanston, Illinois.