

5/23/2011
5/12/2011

39-O-11

AN ORDINANCE

**Granting a Special Use Permit for a Resale Establishment
Located at 1610 Maple Avenue in the
D3 Downtown Core Development Zoning District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on May 3, 2011, pursuant to proper notice, to consider case no. 11ZMJV-0029, an application by Linda DeWine (the "Applicant"), with permission of Julio Andino, owner of the property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 1610 Maple Avenue (the "Subject Property") and located in the D3 Downtown Core Development Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-11-4-3 of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"), a Resale 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 Resale 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 May 23, 2011, the City Council's Planning and Development Committee ("P&D Committee") considered, amended, and adopted the ZBA's record and findings and recommended City Council approval thereof; and

WHEREAS, at its meeting of May 23, 2011, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

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

SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: That the City Council hereby approves the Special Use Permit for a Resale Establishment on the Subject Property as applied for in case no. 11ZMJV-0029.

SECTION 3: That, pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use Permit, violation of any of which shall constitute grounds for revocation thereof pursuant to Subsection 6-3-10-6 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 testimony and representations of the Applicant 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 and Deliveries:** Except between 8:00 a.m. and 10:00 p.m. on any day, the Applicant shall neither operate nor accept deliveries to the Resale Establishment authorized by the terms of this ordinance.
- C. Litter Pick-Up Plan:** The Applicant and/or the owner of the Subject Property shall provide and maintain, on the Subject Property, exterior litter receptacles, in sufficient number and type, and with collections therefrom of sufficient number and frequency, in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the Special Use authorized hereby. Litter shall be collected no less than three (3) times per week, including collections on Sundays as necessary, in the City's judgment, to comply with this condition. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. The owner of the Subject Property shall provide adequate space at the rear of and on the Subject Property to accommodate the litter receptacles and collections required. Within seven (7) days of written notice from the City to do so, the Applicant and/or the owner of the Subject Property shall modify the number of litter receptacles and/or the number of collections therefrom, as directed by the City.

D. **Front-Door Deliveries:** The Applicant shall not accept deliveries of hard goods, such as furniture, to the Resale Establishment via the entry on Maple Avenue.

SECTION 4: That, 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: That, 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 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: That 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: 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: May 23, 2011

Approved:


Adopted: May 23, 2011

May 26, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

LOT 6 IN THE SUBDIVISION OF LOTS 11 AND 12 IN BLOCK 67 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-302-024-0000

COMMONLY KNOWN AS: 1610 Maple Avenue, Evanston, Illinois.