

3/6/2015

36-O-15

AN ORDINANCE

**Granting a Special Use Permit for a Convenience Store and Accessory
Type 2 Restaurant Located at 900 Chicago Avenue in the C1a
Commercial Mixed Use District ("Ad Val's Sweet")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on March 3, 2015, pursuant to proper notice, to consider case no. 15ZMJV-0014, an application filed by Ammar Khorjiya, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 900 Chicago Avenue (the "Subject Property") and located in the C1a Commercial Mixed Use District, for a Special Use Permit to establish, pursuant to Subsection 6-10-3-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Convenience Store with a Type 2 Restaurant, "Ad Val's Sweet," 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 with a Type 2 Restaurant 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 March 23, 2015, 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. 15ZMJV-0014; and

WHEREAS, at its meetings of March 23, 2015 and April 13, 2015, 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 with a Type 2 Restaurant on the Subject Property as applied for in case no. 14ZMJV-0014.

SECTION 3: 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 Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 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 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. Litter Collection Plan:** The Applicant shall implement and adhere to a Litter Collection Plan that requires the policing of an area located within a radius of two hundred fifty feet (250') of the Subject Property. The Applicant shall police this area at least once every three (3) hours during the hours the Special Use is in operation and shall keep it free of all litter, from any source. For the purpose of this ordinance, "litter" shall include, but is not limited to: food, food waste, and beverages; solid waste, including paper, wrappings, containers, cardboard, napkins, straws, utensils, plates, cans, glass, crockery, cigarette butts, ashes and similar materials; animal waste and dead animals; yard clippings and leaves; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

- C. **Hours of Operation:** The Applicant shall operate the Convenience Store and Type 2 Restaurant authorized by this ordinance only between the hours of 6:00 a.m. and 11:00 p.m. on any given day.
- D. **Employee Parking:** Employees shall not park on the street during hours of operation.
- E. **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 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: March 23, 2015

Approved:

Adopted: April 13, 2015

April 15, 2015

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk (LB)

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION****PARCEL 1:**

UNIT 100 IN THE 900 CHICAGO AVENUE OFFICE CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED LAND: PARTS OF LOTS 1 THROUGH 4, BOTH INCLUSIVE, IN BLOCK 1 IN GIBBS, LADD & GEORGES ADDITION TO EVANSTON, BEING A SUBDIVISION OF A PORTION OF THE NORTHEAST ¼ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART TAKEN FOR CHICAGO, EVANSTON AND LAKE SUPERIOR RAILROAD COMPANY BY DEED RECORDED APRIL 29, 1886 AS DOCUMENT NUMBER 711919); WHICH SURVEY IS ATTACHED AS EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0813616034, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 TO THE PUBLIC RIGHT OF WAY FOR THE BENEFIT OF THE COMMERCIAL PARCELS AND OTHER RIGHTS, SET FORTH IN DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL EASEMENTS RECORDED NOVEMBER 17, 2005 AS DOCUMENT No. 0532127013, OVER CERTAIN AREAS OF THE "RESIDENTIAL PROPERTY" AS DEFINED THEREIN.

PARCEL 3:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS CREATED BY DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT NUMBER 0813616034, OVER THE NON-CONDOMINIUM PORTION OF THE COMMERCIAL BUILDING.

PIN: 11-19-213-033-1001

COMMONLY KNOWN AS: 900 CHICAGO AVENUE, EVANSTON, ILLINOIS.