

1/5/2017  
2/6/2017

**4-O-17**

**AN ORDINANCE**

**Granting a Special Use Permit for a Type 2 Restaurant  
Located at 1725 Sherman Avenue in the D2 Downtown Retail Core  
Zoning District and the D3 Downtown Core Developmental District  
("Insomnia Cookies")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on January 10, 2017, pursuant to proper notice, to consider case no. 16ZMJV-0110, an application filed by Michael Sannuti (the "Applicant"), construction manager of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1725 Sherman Avenue (the "Subject Property") and located in the D2 Downtown Retail Core District and the D3 Downtown Core Developmental District, for a Special Use Permit to establish, pursuant to Subsections 6-11-3-4 and 6-11-4-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Type 2 Restaurant, "Insomnia Cookies," 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 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 January 23, 2017, 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. 16ZMJV-0110; and

**WHEREAS**, at its meeting of January 23, 2017 and February 13, 2017, 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 Type 2 Restaurant on the Subject Property as applied for in case no. 16ZMJV-0110.

**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, including but not limited to: the Sustainability Practices for Type 2 Restaurants submitted by the Applicant dated December 15, 2016.
- B. Hours of Operation:** The Applicant may operate the Type 2 Restaurant authorized by this ordinance only between the hours of 6:00 a.m. and 3:00 a.m. on any given day.
- C. Employee Parking:** Employees may not utilize on-street parking during the hours of operation.
- D. 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: January 23, 2017

Approved:

Adopted: February 13, 2017

February 27, 2017

Elizabeth B Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

THE NORTH  $\frac{1}{2}$  OF LOT 7 AND ALL OF LOT 8 IN BLOCK 16 IN EVANSTON IN THE SOUTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN:** 11-18-127-018-0000

**COMMONLY KNOWN AS:** 1725 Sherman Avenue, Evanston, Illinois.