

3/13/2017

26-O-17

AN ORDINANCE

**Granting a Special Use Permit for a Type 2 Restaurant With
Accessory Coffee Roasting Located at 2006 Central Street in the B1a
Business Zoning District and the oCSC Central Street Overlay Zoning
District (“Backlot Coffee”)**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on March 7, 2017, pursuant to proper notice, to consider case no. 17ZMJV-0004, an application filed by John Kim (the “Applicant”), property owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2006 Central Street (the “Subject Property”) and located in the B1a Business Zoning District and the oCSC Central Street Overlay Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-9-5-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant, “Backlot Coffee,” with accessory coffee roasting 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 with accessory coffee roasting 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 27, 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. 17ZMJV-0004; and

WHEREAS, at its meeting of March 27, 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 with accessory coffee roasting on the Subject Property as applied for in case no. 17ZMJV-0004.

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 January 26, 2017.
- 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 10:00 p.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: March 27, 2017

Adopted: March 27, 2017

Approved:

March 30, 2017

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

THE EAST 40.30 FEET OF LOT 11 (EXCEPT THE EAST 20.62 FEET THEREOF) IN BLOCK 18 IN NORTH EVANSTON, IN SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-12-103-031-0000

COMMONLY KNOWN As: 2006 Central Street, Evanston, Illinois.