

87-O-17

AN ORDINANCE

Granting a Special Use Permit for a Type 2 Restaurant Located at 512 Main Street in the C1a Commercial Mixed-Use District and the oDM Dempster-Main Overlay District (“Amanecer Taco Shop”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on August 15, 2017, pursuant to proper notice, to consider case no. 17ZMJV-0062, an application filed by Ana Vela (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 512 Main Street (the “Subject Property”) and located in the C1a Commercial Mixed-Use Zoning District and the ODM Dempster-Main Overlay Zoning 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 Type 2 Restaurant, “Amanecer Taco Shop,” 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 September 11, 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-0062; and

WHEREAS, at its meeting of September 11, 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. 17ZMJV-0062.

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 July 20, 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 midnight on any given day.
- C. Employee Parking:** Employees may not utilize metered parking spaces during the hours of operation.
- D. Deliveries:** All deliveries shall occur via the rear of the Subject Property and only during morning hours, when possible.

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.

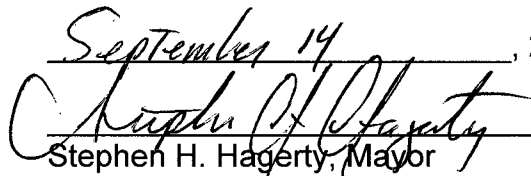
SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 11th, 2017

Approved:

Adopted: September 11th, 2017

September 14, 2017


Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:


W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

PARCEL 1: LOT 23 (EXCEPT THE SOUTHERLY 4.46 FEET OF SAID LOT 23) IN THE RESUBDIVISION OF THE EAST 1/2 OF BLOCK 11 AND THE WEST 1/2 OF BLOCK 10 IN WHITE'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1973 IN BOOK 6 OF PLATS, PAGE 64 IN COOK COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR THE BENEFIT OF PARCEL 1 AFORESAID AS CREATED BY THE DEED MADE BY FRANK LAMBERT WHITE, FREDERICK DONALD BIRD, DONALD O. WHITE AND HENRY A. WHITE AS TRUSTEES UNDER TRUST INDENTURE DATED NOVEMBER 16, 1929 AND RECORDED FEBRUARY 28, 1946 AS DOCUMENT 13730053 OVER THE SOUTH 4.46 FEET OF LOT 23 IN THE RESUBDIVISION AFORESAID (EXCEPTING THEREFROM THOSE PARTS THEREOF NOW OCCUPIED BY A THREE STORY BRICK BUILDING AND APPURTENANCES THERETO) FOR THE PURPOSE OF MAINTAINING A CORNICE OVERHANGING SAID PREMISES, THE RIGHT OF THE INGRESS AND EGRESS, AND AN EASEMENT FOR LIGHT, AIR AND DRAINAGE.

PIN: 11-19-401-008-0000

COMMONLY KNOWN As: 512 Main Street, Evanston, Illinois.