

58-O-18

AN ORDINANCE

Granting a Special Use Permit for a Type 2 Restaurant Located at 825 Church Street in the D2 Downtown Retail Core Development District (“Falcon Eddy’s Barbecue”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on April 17, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0021, an application filed by James Pomerantz (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 825 Church Street (the “Subject Property”) and located in the D2 Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-11-3-4 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant, “Falcon Eddy’s Barbecue,” 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 April 23, 2018, 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. 18ZMJV-0021; and

WHEREAS, at its meetings of April 23, 2018 and May 14, 2018, 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. 18ZMJV-0021.

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 March 8, 2018.
- B. Hours of Operation:** The Applicant may operate the Type 2 Restaurant authorized by this ordinance only between the hours of 10:00 a.m. and midnight on any given day.
- C. Employee Parking:** Employees may not utilize metered street parking surrounding the Subject Property during the hours of operation.
- D. Deliveries:** The Applicant agrees that all deliveries must occur in the rear of the Subject Property.

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: April 23, 2018

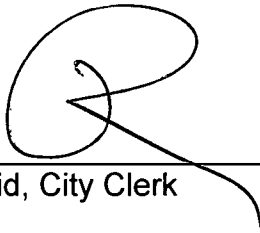
Approved:

Adopted: April 23, 2018

May 11, 2018



Stephen H. Hagerty, Mayor

Attest:

A large, stylized handwritten signature, likely of Devon Reid, written in black ink. The signature is positioned above a horizontal line.

Devon Reid, City Clerk

Approved as to form:

A handwritten signature in black ink, reading "Michelle L. Masoncup". The signature is positioned above a horizontal line.

Michelle L. Masoncup, Interim
Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOTS 7 TO 13, INCLUSIVE, EXCEPTING THEREFROM THAT PORTION OF SAID LOTS 7 TO 13, INCLUSIVE, IN THE RESUBDIVISION OF BLOCK 17 IN EVANSTON, COOK COUNTY, ILLINOIS IS DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7 IN THE SAID RESUBDIVISION OF SAID BLOCK 17 IN EVANSTON, COOK COUNTY, ILLINOIS; THENCE SOUTH ALONG AND UPON THE EAST LINE OF SAID LOT 7, A DISTANCE OF 35 FEET; THENCE SOUTH ALONG AND UPON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF 5 FEET THENCE RUNNING WEST ALONG AND UPON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOTS 7 TO 11, A DISTANCE OF 185 FEET; THENCE RUNNING NORTH ALONG AND UPON A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF 85 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 11, 220 FEET FROM THE NORTHEAST CORNER OF SAID LOT 7; THENCE EAST ALONG AND UPON THE NORTH LINE OF SAID LOT 11 AND THE NORTH LINE OF SAID LOTS 10 TO 7, INCLUSIVE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART LYING ABOVE THE ELEVATION OF 36.00 FEET, CITY OF EVANSTON, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-126-020-0000

COMMONLY KNOWN AS: 825 Church Street, Evanston, Illinois.