

102-O-18

AN ORDINANCE

**Granting a Special Use Permit for a Type 2 Restaurant Located at
1724 Sherman Avenue in the D2 Downtown District
("Kilwin's Chocolates")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on August 28, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0058, an application filed by James Shepherd (the "Applicant"), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1724 Sherman Avenue (the "Subject Property") and located in the D2 Downtown 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, "Kilwin's Chocolates," 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 17, 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-0058; and

WHEREAS, at its meetings of September 17, 2018 and September 24, 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-0058.

SECTION 3: Pursuant to Subsection 6-9-5-3 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 6-3-5 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 26, 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 11:00 p.m. on any given day.
- C. 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 17, 2018

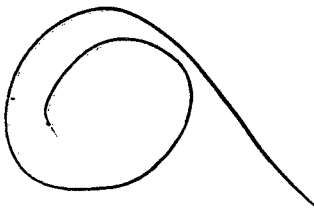
Adopted: October 9, 2018

Approved:

October 26, 2018


Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

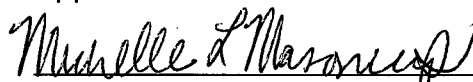

Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOT 4 IN THE NORTHWESTERN UNIVERSITY RESUBDIVISION OF BLOCK 17 IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-126-011-0000

COMMONLY KNOWN AS: 1724 Sherman Avenue, Evanston, Illinois.