

**108-O-18**

**AN ORDINANCE**

**Granting a Special Use Permit and Major Variations for a Banquet Hall and a Brew Pub Located at 2119-2125 Ashland Avenue in the MXE Mixed-Use Employment District (“Double Clutch Brewing Company”)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on August 8, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0064, an application filed by Mike Chookaszian (the “Applicant”), operator of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2119-2125 Ashland Avenue (the “Subject Property”) and located in the MXE Mixed-Use Employment Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-13-4-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Banquet Hall and a Brew Pub, “Double Clutch Brewing Company,” and Major Variations pursuant to Subsections 6-13-4-6 and 6-16-4-5 of the Zoning Ordinance on the Subject Property; and

**WHEREAS**, the Applicant requests the following Major Variations:

- (A) The Applicant requests to have a zero foot (0’) front yard setback, where a ten foot (10’) front yard setback is required on the Subject Property;
- (B) The Applicant requests to have a zero foot (0’) north interior side yard setback, where a five foot (5’) north interior side yard setback is required on the Subject Property;
- (C) The Applicant requests to have a zero foot (0’) rear yard setback, where a five foot (5’) rear yard setback is required on the Subject Property; and

(D) The Applicant requests to have zero (0) short loading docks, where one (1) short loading dock is required 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 Banquet Hall and a Brew Pub and Major Variations met the standards for Special Uses in Section 6-3-5 and for Major Variations in Section 6-3-8-12 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-0064; and

**WHEREAS**, at its meeting of September 17, 2018 and October 8, 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 Banquet Hall and Brew Pub and the Major Variations on the Subject Property as applied for in case no. 18ZMJV-0064.

**SECTION 3:** The Major Variations approved hereby are as follows:

- (A) Approval to have a zero foot (0') front yard setback. Subsection 6-13-4-6 requires a ten foot (10') front yard setback on the Subject Property;
- (B) Approval to have a zero foot (0') north interior side yard setback. Subsection 6-13-4-6 requires a five foot (5') north interior side yard setback on the Subject Property;
- (C) Approval to have a zero foot (0') rear yard setback. Subsection 6-13-4-6 requires a five foot (5') rear yard setback on the Subject Property;
- (D) Approval to have zero (0) short loading docks. Subsection 6-16-4-5 requires one (1) short loading dock is required on the Subject Property; and

**SECTION 4:** 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 and Major Variations, 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.
- B. **Hours of Operation:** The Applicant may operate the Banquet Hall and Brew Pub authorized by this ordinance only between the hours of 11:00 a.m. and 10:00 p.m. on any given Monday through Friday and between the hours of 11:00 a.m and 1:00 a.m. on any given Saturday through Sunday. Special events must be finished by 1:00 a.m.
- C. **Parking:** The Applicant or its Employees shall not park on the streets near the Subject Property. The Applicant agrees to enter into agreements for off-site parking as needed.
- D. **Noise Abatement:** The Applicant must also consider and implement noise abatement processes to minimize noise carrying throughout the neighborhood.

- E. **Alley Maintenance:** The Applicant agrees to coordinate with neighboring businesses on the alley to maintain the alley on a yearly basis as needed.
- F. **Designated Smoking:** The Applicant shall also have a designated smoking area on the Subject Property so as to eliminate any nuisances.
- G. **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 5:** 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 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

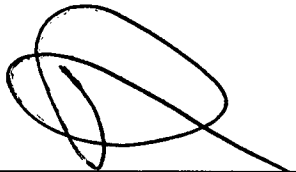
**SECTION 8:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 9:** 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 3, 2018

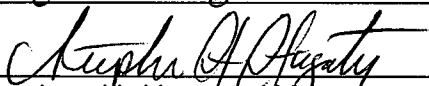
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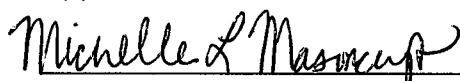
Devon Reid, City Clerk

Approved:

October 26, 2018

  
Stephen H. Hagerty, Mayor

Approved as to form:

  
Michelle L. Masoncup, Corporation  
Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOTS 12, 13 AND 14 IN BLOCK 11 IN EVANSTON CENTER ADDITION IN SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, EXCEPTING FROM THE AFORESAID TAKEN AS A TRACT THE SOUTH 3.0 FEET THEREOF.

**PIN:** 10-12-422-017-0000

**COMMONLY KNOWN As:** 2119-2125 Ashland Avenue, Evanston, Illinois.