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12-O-96

AN ORDINANCE

Granting a Special Use to Permit
Establishment of a Type 2 Restaurant
at 1745 Sherman Avenue

WHEREAS, the Zoning Board of Appeals ("ZBA") held public hearings on December 19, 1995 and January 16, 1996 pursuant to proper notice in case no. ZBA 95-33-SU(R), wherein the applicant, Progressive Bagel Concepts, Inc., sought approval for a special use to permit establishment of a Type 2 restaurant at 1745 Sherman Avenue, on property located in the D2 Downtown Retail Core District; and

WHEREAS, based upon the testimony, plans, and other evidence presented, the ZBA made written findings of fact, determining that the proposed special use met each of the standards for special uses set forth in section 6-3-5-10 of the Zoning Ordinance; and

WHEREAS, the ZBA voted to recommend that the City Council grant the application,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That based upon the testimony, plans, and other evidence presented to the ZBA, the City Council hereby adopts the findings and recommendation of the ZBA and grants the special use application of Progressive Bagel Concepts, Inc. to establish a Type 2 restaurant, Einstein Bros. Bagels, on property legally described as:

"LOT 9 (EXCEPT THE EAST 6 FEET THEREOF) IN BLOCK 16 IN VILLAGE OF EVANSTON, IN THE EAST 1/2 OF THE NW 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS."

SECTION 2: Pursuant to section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions and limitations on the grant of a special use, these conditions and limitations are hereby imposed:

1. At 10 a.m. and 3 p.m. of every day the subject restaurant is open for business, the operator shall have litter of all types picked up in the following areas: a) from the restaurant south on Sherman Avenue to the alley, b) from the restaurant east on Clark Street to the Burger King driveway, and c) all of Oldberg Park across Clark street to the North.
2. The proposed construction and operation of said Type 2 restaurant shall be in substantial compliance with the testimony presented and the plans placed on file in connection with this case.
3. Delivery personnel, if any, will be instructed that they are not to double-park on Sherman Avenue or Clark Street. Delivery vehicles are to park only in legal spaces. Managerial personnel will monitor compliance with this condition and will promptly take appropriate corrective action.
4. Personnel other than delivery drivers will not park in on-street parking spaces.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced February 12, 1996

Adopted: February 12, 1996

Approved February 16 1996

Lorraine H. Norton
Mayor

ATTEST:

Dista Davis
City Clerk

Approved as to form:

Kathleen J. Brennan
Corporation Counsel

