

10/9/96

96-O-96

AN ORDINANCE

Granting a Special Use to
Permit a Type 2 Restaurant at
815 Emerson Street

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on September 3, 1996 pursuant to proper notice in case no. 96-27-SU-V(R), wherein the applicants, Yeranick Ipjian, property owner, and Michael Markellos, lessee, for Philly's Best Cheese Steak, sought a special use to permit a Type 2 restaurant at 815 Emerson Street in the C1 Commercial 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 use set forth in section 6-3-5-12 of the Zoning Ordinance; and

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

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 recommendations of the ZBA and hereby grants the special use application of Yeranick Ipjian, property owner, and Michael Markellos, lessee, for Philly's Best Cheese Steak for a special use to permit a Type 2 restaurant at 815 Emerson Street on property legally described in Exhibit A, attached hereto and made a part hereof.

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

1. The operation of said Type II Restaurant shall conform to the testimony and exhibits presented in connection with this case and at the hearing, including hours of operation and the litter collection plan. The litter collection plan consists of a twice-daily policing of the shopping center and the public ways within the area indicated on Petitioner's Exhibit #6 which the petitioner presented to the ZBA in the hearing of ZBA 96-27-SU(R). A copy of Petitioner's Exhibit #6, as modified by cross-hatching for purposes of reproduction, is attached as Exhibit B. Hours of operation are 10:30 a.m. to midnight, Sunday through Thursday, and 10:30 a.m. to 2:00 a.m. Friday and Saturday.
2. Vehicles brought to the premises by restaurant employees will be parked in the rear of the premises to preserve the Emerson Street parking lot for patrons' vehicles.
3. Each business day prior to 6:30 P.M., or the closing time of Perfecto Cleaners, whichever comes first, the applicants shall provide no less than one dedicated parking space within the on-site parking lot to the south of the proposed restaurant for the use of each delivery person on duty employed by the subject restaurant up to a maximum of two such parking spaces. At all times when the subject restaurant is open for business and Perfecto Cleaners is not, the applicants shall provide parking for all such delivery persons under the canopy to the south of Perfecto Cleaners.

SECTION 3: Ordinance 126-0-89 imposed certain conditions on 815 Emerson Street in connection with the grant of a special use to operate a Little Caesar Enterprises, Inc. Type 2 restaurant. That use has ceased to exist. This Ordinance 96-0-96 hereby repeals all conditions imposed on the subject property by Ordinance 126-0-89, except for these, which shall continue:

- a. The property owner shall have stop signs posted at each driveway exiting upon a public street or alley;
- b. No amusement devices, as defined in Section 3-8-1 of the City Code shall be

established or maintained within said Type 2 restaurant.

- c. No alcoholic beverages shall be served or sold by said Type 2 restaurant or the shopping center in which said Type 2 restaurant is located;
- d. Garbage pick-up from the shopping center shall be a minimum of three times per week;
- e. All employees of said Type 2 restaurant driving motor vehicles to the premises shall park on the north side of the building;
- f. That except as otherwise provided in the lease with the owner (and owner's successors in interest) of the premises and the owner and operator of the subject Type 2 restaurant or its successor, customers shall not be permitted to consume food in the parking lot.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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.

Introduced: September 30, 1996

Adopted: October 14, 1996

Approved: October 17, 1996

Lorraine H. Norton
Mayor

ATTEST:

Lillian Dennis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

LEGAL DESCRIPTION

PARCEL 1: LOT 11 (EXCEPT THE EAST 50.0 FEET THEREOF) IN PAUL PRATT'S ADDITION TO EVANSTON, SAID ADDITION BEING A SUBDIVISION OF THE SOUTHWEST 8 AND ½ ACRES OF THE QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PARCEL 2: LOT 10 (EXCEPT THE WEST 40.0 FEET THEREOF) IN PAUL PRATT'S ADDITION TO EVANSTON, SAID ADDITION BEING A SUBDIVISION OF THE SOUTHWEST 8 AND ½ ACRES OF THE QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PARCEL 3: THE SOUTH 25.30 FEET OF LOT 14 IN HUSE AND POWER'S ADDITION TO EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PARCEL 4-A: LOT 14 (EXCEPT THE SOUTH 25.30 FEET THEREOF AND EXCEPT THE NORTH 5.66 FEET THEREOF) IN HUSE AND POWER'S ADDITION TO EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 4-B: THAT PARCEL OF LOTS 12 AND 13 IN PAUL PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST 8 AND ½ ACRES OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 12 IN SAID PAUL PRATT'S ADDITION; THENCE WEST ON THE SOUTH LINE OF LOTS 12 AND 13 IN SAID PAUL PRATT'S ADDITION, TO A POINT 15.0 FEET EAST OF THE SOUTHWEST CORNER OF LOT 13; THENCE NORTHWESTERLY 19.12 FEET TO A POINT 13.34 FEET EAST OF THE WEST LINE OF SAID LOT 13 AND 19.05 FEET NORTH OF THE SOUTH LINE OF SAID LOT 13; THENCE EASTERLY IN A STRAIGHT LINE TO A POINT ON THE EAST LINE OF LOT 12 IN PAUL PRATT'S ADDITION, WHICH POINT IS 19.81 FEET NORTH OF THE SOUTH LINE OF SAID LOT 12; THENCE SOUTH ON THE EAST LINE OF SAID LOT 12 TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THE EAST 50.0 FEET OF LOT 11 IN PAUL PRATT'S ADDITION TO EVANSTON, SAID ADDITION BEING A SUBDIVISION OF THE SOUTHWEST 8 AND ½ ACRES OF THE QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PARCEL 6: LOT 13 IN HUSE AND POWER'S ADDITION TO EVANSTON, A SUBDIVISION OF LOT 7 OF ASSESSOR'S DIVISION OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN COOK COUNTY, ILLINOIS



