

3-O-97

AN ORDINANCE

**Granting a Special Use to Permit a Type 2
Restaurant at 527 Davis Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on December 3, 1996 in case no. ZBA 96-42-SU(R), pursuant to proper notice on the application of Richard Litchman, as President of Chipati, Incorporated, lessee of the Subject property at 527 Davis Street located in a D4 Downtown Transition District, for a special use to permit a Type 2 restaurant, and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made findings pursuant to section 6-3-5-10 of the Zoning Ordinance that the application met the standards for special uses, and recommended 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 the aforesaid application of Richard Litchman, as President of Chipati, Incorporated, lessee of the subject property, for a special use to permit a Type 2 restaurant at 527 Davis Street, is hereby granted, and the findings and recommendations of the ZBA hereby adopted, on property legally described:

Lots 6, 7, 8 and 9 in Block 20 in Evanston, in the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, in Cook County, Illinois.

SECTION 2: That the grant of special use is subject to these conditions:

- a. Operation of the Type 2 Restaurant shall conform to the testimony and exhibits presented in connection with this case and at the hearing including the litter collection plan. Said collection plan shall be operative within 500 feet of the subject property with particular reference to the area east of the subject property during the months of June, July, August, and September.**
- b. At no time in the operation of the Type 2 Restaurant shall vehicles used to deliver from the Type 2 Restaurant double park, or illegally park, stand, or stop within any public right-of-way.**
- c. The operator of the Type 2 Restaurant shall provide the City with a plan, and shall implement and at all times operate under such plan, which will result in all employees of the Type 2 Restaurant parking in appropriate off-street garages or lots or places other than in permitted public parking spaces within any public right-of-way, such vehicles as they use to commute to and from the Type 2 Restaurant.**
- d. By agreement of the applicant in this matter, the City Council may, at its sole discretion, limit the operating hours of the Type 2 Restaurant.**
- e. The operator of the Type 2 Restaurant shall at no time provide "curbside service" to customers of the Type 2 Restaurant nor otherwise convey product to customers waiting to receive product within the public right-of-way.**

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 January 13, 1997

Adopted: January 27, 1997

Approved: February 22, 1997

Lorraine H. Norton
Mayor

ATTEST:

Kristen A. Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

