

115-O-98

**AN ORDINANCE**

**Granting a Special Use  
For a Type 2 Restaurant  
at 1719-1721 Sherman Avenue**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on November 17, 1998, pursuant to proper notice on the application of Panda Express, lessee, in case number ZBA 98-28-SU(R), for a special use to permit a Type 2 restaurant at 1719-21 Sherman Avenue in the D2 Downtown Retail Core District; and

WHEREAS, the Zoning Board of Appeals, after hearing testimony and receiving other evidence, made written 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; and

WHEREAS, the Planning and Development Committee of the City Council considered the aforesaid application at its December 14, 1998 meeting and recommended City Council approval thereof; and

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

**SECTION 1:** That the City Council adopts the findings and recommendation of the ZBA and the recommendation of the Planning and Development Committee and hereby grants the aforescribed application of Panda Express in case number ZBA 98-28-SU(R) on property commonly known as 1719-21 Sherman Avenue, legally described as follows:

THE NORTH ½ OF LOT 7 AND ALL OF LOT 8 IN BLOCK 16 IN EVANSTON, IN THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND

LOTS 2, 3, AND 4 IN BLOCK 16, IN EVANSTON, IN THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**SECTION 2:** That pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may attach conditions to the grant of a special use, these conditions are hereby imposed:

(A.) Construction, maintenance, and operation of the aforesaid special use shall be in substantial compliance with the plans as approved, and with all oral or written representations of the applicant.

(B.) The aforesaid grant of special use is subject to compliance with all applicable provisions of the Zoning Ordinance and all other applicable legislation.

(C.) The operator of the Type 2 Restaurant shall implement and continue to follow the litter collection plan presented during the public hearing, attached hereto as Exhibit 1 and made a part hereof.

(D.) The operator of the Type 2 Restaurant shall further follow a litter collection procedure consistent with representations of the applicant during the public hearing and shall be responsible for maintaining an area defined as a "250-foot radius surrounding the retail space occupied by the Type 2 Restaurant" free of rubbish, litter, and waste material, including but not limited to food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, and other waste materials emanating from any source.

(E.) The operator of the Type 2 Restaurant shall implement and continue to follow the employee parking plan presented during the public hearing, attached hereto as Exhibit 2 and made a part hereof.

(F.) Violation of any of the above conditions or any other applicable laws or regulations may void the special use permit to use the subject property as a Type 2 Restaurant.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Introduced: December 14, 1998

Adopted: January 11, 1999

Approved: January 14, 1999

Laraine H. Norton  
Mayor

ATTEST:

Mary D. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel



**EXHIBIT 1**

PANDA EXPRESS  
OF CHICAGO/IL

October 29, 1998

City of Evanston  
Attn: **Marc Steven Mylott, Zoning Planner**  
Community Development Department, Zoning Division  
Civic Center  
2100 Ridge Avenue, Room 3700  
Evanston, IL 60201-2798

409  
West Huron  
Sixth Floor  
Chicago  
Illinois  
60610

Re: *Proposed Litter Plan*

Dear Mr. Mylott:

This letter is in response to your recent request for our Litter Plan for the Panda Express to be located at 1719-1721 Sherman Avenue, Evanston, Illinois 60201.

Panda Express has a long history of pride in place as well as pride in our product. It is our intention to continue in our efforts not only to produce a quality product, but also provide pleasant surroundings for our guests and staff alike.

We propose, as always in these types of locations to:

- Survey the surrounding areas for debris and garbage three times per day;
- Place any and all debris found in the area surrounding the store in appropriate containers;
- Place appropriate containers at or near doors so that garbage is not carelessly strewn as customers leave the store;
- Clean window and door glass on a daily basis;
- Mop any spillage in front of doorways and applying runners inside doorway as needed to protect from rain/snow slippage;

Telephone  
312  
988-1788

Fax  
312  
250-9970

Marc Steven Mylott

-2-

Page 2

- Any and all other measures deemed necessary to project the Panda image, and to assure a pleasant dining atmosphere for us and our customers.

We hope this information will assist you in your decision regarding our license. Thank you for your time and attention in this matter. We look forward to hearing from you in the near future.

Cordially,

*Al Chaib*

Al Chaib, Ph.D.  
Chief Operating Officer

AC/cwb

**EXHIBIT 2**

Jeffrey A. Howard  
Director of Development

December 8, 1998

Mr. Marc Mylott  
Zoning Planner, City of Evanston  
2100 Ridge Rd., Suite 3700  
Evanston, IL 60201

Re: **Panda Express/ 1719-1721 Sherman Ave.**

Dear Marc,

Per your request we have prepared the following employee parking plan for our Sherman Ave. Panda Express location.

During peak times, the store will have approximately 8 employees. Most will take public transportation or car pool. We encourage the use of the "Purple Line" which is very convenient. We will also be leasing parking spaces in the building for management use. After all, this space is in a parking garage.

Also, we are delivering with this letter twelve (12) revised prints of the sign page (G-1) of the previously delivered plans.

Thanks again for your help.

Sincerely,

**Rezko Enterprises, Inc.**

Jeffrey A. Howard  
Director of Development