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10-O-99

AN ORDINANCE

**Granting a Special Use to
Permit Operation of a Type 2
Restaurant at 1805 Howard Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on January 5, 1999, pursuant to proper notice on the application of Vimal and Sapan Incorporated, the property owner, case no. ZBA 99-2-SU(R), for a special use to permit a Type 2 restaurant at 1805 Howard Street, the subject property, in a C1 Commercial District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and 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 and recommended City Council approval thereof,

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 Vimal and

Sapan Incorporated in case no. ZBA 99-2-SU(R) on property commonly known as 1805 Howard Street, and legally described as follows:

LOT 1 IN MAR-DON'S ADDITION CONSOLIDATION OF LOTS 30, 31, 32 AND 33 IN HOWARD-CALIFORNIA ADDITION, BEING A SUBDIVISION OF THE WEST 11.976 CHAINS OF THE SOUTH 8.35 CHAINS OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 12, 1969, AS DOCUMENT NUMBER 21035761, IN COOK COUNTY.

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 any 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 made a part hereof.

(D.) The operator of the Type 2 Restaurant shall be responsible for applying the litter collection plan to an area defined as a 250-foot radius surrounding the retail space occupied by the Type 2 Restaurant. Said operator shall police this area no fewer than three times a day and keep this area free of trash and garbage including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, cigarette butts, lottery tickets, and all other discarded waste materials, regardless of type, emanating from any source.

(E.) The applicant, property owner, and/or operator of the Type 2 Restaurant shall place and maintain in good and slightly condition a minimum of two trash collection receptacles on the sidewalk between the storefront and the parking lot. Upon written notice from the City that additional receptacle(s) is/are required, same shall promptly be provided and maintained. Trash from these receptacles shall be collected and removed to a lawful location a minimum of once each day, or oftener, upon written notice from the City.

(F.) The applicant, property owner, and operator of the Type 2 Restaurant shall provide two dumpsters and contract for or otherwise cause to occur garbage collections therefrom three times weekly as a minimum. Upon written notice from the City that additional collections and/or dumpsters is/are required, same shall promptly be provided and maintained.

(G.) Signage for the Type 2 Restaurant shall require prior review and approval by the Site Plan and Appearance Review Committee for siting and appearance. Signage for the Type 2 Restaurant shall be sized and designed in accordance with signage for other uses on the subject property such that all signs present a cohesive package. Signage shall be permitted only on the overhang above the front door.

(H.) Landscaped planters shall be installed, placed, and maintained in good and slightly condition along the south facade of the subject property. The precise location of, number of, size of, and landscaping within the planters shall be determined by the Site Plan and Appearance Review Committee.

(I.) The southernmost boundary of the parking area shall be landscaped. The applicant shall submit a landscape maintenance plan for review and approval by the City of Evanston Superintendent of Parks and Forestry. Said plan shall guarantee that any plants, regardless of their location, identified on the landscape plan granted final approval by the Site Plan and Appearance Review Committee which die or fail to thrive after planting shall be replaced during the earliest available planting season, upon written notification by the City of Evanston. Failure to replace plantings within the time specified by the City shall require the operator to pay \$5000.00 to the City within 30 days after expiration of the time given by the City for such replacement. The landscape maintenance plan shall be recorded with the Cook County Recorder's Office and a copy of the



recordation provided to the Zoning Administrator prior to issuance of a final certificate of occupancy.

(J.) No security gates or other similar devices shall be erected upon the subject property without the prior review and approval of the Site Plan and Appearance Review Committee.

(K.) Existing advertising framing shall be removed from the western portion of the south facade of the subject property, prior to issuance of a certificate of occupancy.

(L.) On a daily basis, the operator shall assure prompt snow removal and salting on Howard Street public sidewalk and on the sidewalk between the storefront and parking lot. Snow shall be removed and salting provided for the entire width and length of said sidewalks abutting the subject use.

(M.) The sidewalk between the storefront and the parking lot shall be power-washed along its entire width and length abutting the subject use. Said power-washing shall be at intervals appropriate to maintaining the sidewalk in a clean and sightly condition.

(N.) An enclosure for the dumpsters screening them from neighboring properties and from passersby on Howard Street shall be provided and maintained. Said enclosure is to be in place before a certificate of occupancy is issued.

(O.) Prior to issuance of a certificate of occupancy, the free-standing sign to the southeast of the subject property and its supporting pole shall be removed at ground level and a tree with a minimum diameter of 3 ½" planted in the space made available by removal of the sign. Any tree planted pursuant to this paragraph shall be promptly replaced with a tree with a minimum diameter of 3 ½" upon written notice from the City that said tree is dead or dying. Failure to do so shall require the operator to pay \$5000.00 to the City within 30 days after expiration of the time given by the City for such replacement.

(P.) All deliveries to the subject property shall be from Howard Street through the front entrance.



(Q.) Prior to issuance of a certificate of occupancy, the mechanical unit to the east of the subject property shall be enclosed by a board-on-board fence, six feet in height. Said fence shall be erected pursuant to properly obtained permits and must be maintained in accordance with all applicable codes.

(R.) Applicant shall erect and maintain "enter only" and "exit only" signs at appropriate locations on driveways serving the subject property.

(S.) The use of deep fat frying, grill frying, or similar food preparation means, is prohibited.

(T.) The applicant and operator of the subject property shall assure that all printed, video, or pictorial matter, which by law cannot be sold to, or possessed by, persons under seventeen years of age, are not exhibited in any place within the view of, or which may be within the view of any person under the age of seventeen years.

(U.) The applicant and operator of the subject property shall assure that cigarette papers, pipes, holders of smoking materials of all types, and cigarette rolling machines, and other items designed primarily for the smoking or ingestion of tobacco products or of substances made illegal by State law, shall not be sold or delivered to any person under eighteen years of age.

(V.) The applicant shall prepare and record with the Office of the Cook County Recorder a covenant running with the land, in form and content satisfactory to the Corporation Counsel, setting forth the provisions of this section 2, (A)-(W) The covenant shall provide that it shall be released only by the City Council. No building permits shall issue until a copy of the recorded covenant has been filed with the Zoning Administrator.

(W.) Violation of any of the above conditions or any other applicable legislation shall, at the City's option, void the special use permit.

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: February 8, 1999

Adopted: March 8, 1999

Approved: March 25, 1999

Lorraine H. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel



December 21, 1998

COUSINS SUBMARINES INC.

City of Evanston
Attention: Mr. Marc Mylon, Zoning Planner
Community Development Department, Zoning Division
Civic Center
2100 Ridge Avenue, Room #3700
Evanston, IL 60201-2798

RE: Proposed Litter Plan

Dear Mr. Mylon:

This letter is in response to your recent request for our Litter Plan for Cousins Submarines to be located in the Retail Store of Hasmukh Patel at 1805 Howard St., Evanston, IL 60202.

Cousins Submarines 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 customers and staff alike. Prior to Hasmukh Patel being accepted to Cousins, we had to approve his sight. If changes needed to be taken care of, we would have required it.

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. Hasmukh is purchasing two new trash receptacles for the front of his store.
- Place appropriate containers at or near doors, so the customer can dispose of his debris as he leaves the restaurant.
- Clean the windows and door glass on a daily basis.
- Mop any spills in front of the doorways and apply runners inside the doorways as needed to protect people from rain snow slippage.
- Perform any and all other measures deemed necessary to project the Cousins Submarines image and to ensure a pleasant dining atmosphere for us and our customers.

If I can help you with any other items, please call me at (414) 253-7700 ext. 131.

Sincerely,

Matthew W. Lea
Project Supervisor
MWL ask

EXHIBIT A

