

7/6/99, 7/8/99, 7/18/99

93-O-99

AN ORDINANCE

**Granting a Special Use and Variations
from the Parking, Setback, and Mixed Use Provisions
of the Zoning Ordinance and Approving A
Mixed Use Development to Allow a
Type 2 Restaurant at 1723 Simpson Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on June 15, 1999, in case number ZBA 99-24 SU & V(R), pursuant to proper notice, on the application of Ramy Khoury-Yacoub, as vice-president of Ramy's Food, Inc., and as property owner with Mojida Khoury-Yacoub, Ramzi Khoury-Yacoub, and Maha Khoury-Yacoub, for certain zoning relief, to allow construction of a one-story addition to the existing one-story commercial building at 1723 Simpson Street and use of a portion of the addition as a Type 2 Restaurant within the existing retail food store establishment, all in a B1 Business District; and

WHEREAS, the applicants sought a special use, pursuant to Section 6-9-2-3, to allow the use of the subject property for a Type 2 restaurant in conjunction with a food store establishment use; a variance to Section 6-16-3-5 reducing the number of required parking spaces from 3 spaces to 0 spaces; and a variance to Section 6-9-2-7 to allow construction of an addition with a setback from the subject property's south lot line of no more than 5 feet whereas the Zoning Ordinance requires structures to be built to front and street side lot lines in the B1 District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made written findings pursuant to Section 6-3-5-10 and Section 6-3-8-12 of the Zoning Ordinance that the application met the standards for special uses and major variations, respectively, and recommended that the City Council grant the application; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's findings and recommendation, and recommended approval as a mixed use development with an amendment to said recommendation,

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

SECTION 1: That the City Council hereby adopts the findings and recommendation of the Planning and Development Committee in the aforescribed case number ZBA 99-24 SU & V(R) and grants said special use and variations and further approves the development as a mixed use development on the property legally described as follows:

LOT 9 (EXCEPT THE EAST 75 FEET THEREOF) IN BLOCK 8 IN PAYNE'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

SECTION 2: That pursuant to Section 6-3-5-12 and Section 6-3-8-14 of the Zoning Ordinance, which respectively provide that the City Council may impose

conditions upon the grant of special uses and variations, these conditions are hereby imposed:

- a. Construction, maintenance, and operation of the Type 2 restaurant will be in substantial compliance with the testimony presented by the applicant and the plans and documents, as approved, placed on file in connection with this case.
- b. The grant of zoning relief 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 institute and maintain compliance with the litter collection plan presented in the hearing, attached as Attachment 1 and depicted in Attachment 2, both made a part hereof.
- d. The operator of the Type 2 restaurant shall institute and maintain compliance with a litter collection plan requiring policing of an area within 250 feet of the subject property no less than three times a day and shall collect and properly dispose of trash originating anywhere as part of this policing regimen. The operator of the Type 2 restaurant shall keep this area 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 similar waste materials emanating from any source.
- e. The operator of the Type 2 restaurant shall take all reasonable steps to prevent loitering within the Type 2 restaurant, and upon the subject property.
- f. The applicant, property owner, and/or operator of the Type 2 Restaurant shall place and maintain in good and sightly condition a minimum of 4 covered and enclosed trash collection receptacles on the subject property. 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 more often, upon written notice from the City.

- g. The applicant, property owner, and operator of the Type 2 Restaurant shall provide 1 dumpster 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.
- h. Signage for the Type 2 Restaurant shall require prior review and approval by the Site Plan and Appearance Review Committee for considerations of siting and appearance.
- i. The applicant shall submit a landscape plan to the Site Plan and Appearance Review Committee which Committee shall determine the location of, number of, size of, and types of landscaping materials and elements upon the subject property and within the adjacent right of way. The approved landscape plan minimally shall include the planting and maintenance of grass and/or other ground cover and/or other approved plant material within the unpaved areas of the adjacent right of way. The applicant shall submit a final landscape plan and 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 which are identified on the landscape plan granted final approval by the Site Plan and Appearance Review Committee that die after planting shall be replaced by the applicant, property owner, operator of the Type 2 Restaurant, during the earliest planting season, upon written notification to the applicant, property owner, operator of the Type 2 Restaurant, from the City of Evanston. This landscape maintenance plan shall be recorded with the Cook County Recorder's Office prior to the issuance of a final certificate of occupancy.
- j. Violation of any of the above conditions or any other applicable laws or regulations may void the special use permit to operate a Type 2 restaurant.

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: June 28, 1999

Adopted: July 12, 1999

Approved: July 20, 1999

Lorraine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Asst. Corporation Counsel

ATTACHMENT I TO ORDINANCE 93-0-99

June 8, 1999

City of Evanston
Civic Center
2100 Ridge Avenue
Room 3700
Evanston, IL 60201-2798

Attention: Marc Steven Mylott, Zoning Planner

Dear Mr. Myott:

Re: Ramy's Inc. ZBA 99.24-SU & V (R)
Proposed Litter Control Plan

Pursuant to your request, Ramy's Inc. has been rendering services to the Evanston Community and more specifically the Simpson-Darrow neighborhood for over a quarter century.

Throughout this period of time we have been conscious of the need to maintain a clean and litter-free environment.

Consequently, we have, on a seven (7) day basis, adopted the following procedures:

Placement of two 55 gallon containers on the city park-way on Simpson Street (abutting the south side of the building).

Regular walks around the entire building cleaning up and picking up debris and litter .

Employment of a full time janitor who clears the store's interior and assists in cleaning up the exterior areas several times per day, seven days per week. Also, the windows are kept clean on a daily basis.

In addition to the measures outlined above, we propose to add one or more 55 containers on the west side of the building on Darrow Street. We will be increasing our daily surveillance of debris and litter.

We are open to any additional suggestions.

Sincerely,



.....
Ramzi Khoury-Yacoub



.....
Ramy Khoury-Yacoub

ATTACHMENT 2 to ORDINANCE 93-O-99

Litter Collection Area for 1723 Simpson Street Within 250 Feet of Property (Includes Adjacent Right of Way)



Subject Property

City of Evanston
June 22, 1999

Marc Mylott, Zoning Planner
Zoning Division of the Community Development Department

