

1/23/02

2-O-02

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 1100 Davis Street**

WHEREAS, Zoning Board Appeals ("ZBA") met on January 15, 2002 pursuant to proper notice in case no. ZBA 02-04-SU(R) to consider an application by Adrian Stanciu, lessee, with written permission from Metropolitan Rental Corporation owner of the subject property at 1100 Davis Street; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for the Type 2 restaurant met the standards for special uses in Section 6-3-5 and recommended City Council approval thereof; and

WHEREAS, the Planning & Development Committee of the City Council considered and adopted the ZBA's findings and recommendation at its January 28, 2002 meeting and recommended City Council approval of the aforesaid special use; and

WHEREAS, the City Council considered Ordinance 2-O-02 at its January 28, 2002 and February 11, 2002 meetings; and

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 record, findings and recommendation of the ZBA and the recommendation of the Planning and Development

Committee and hereby approves the special use applied for in case no. ZBA 02-04-

SU(R) on property legally described as:

LOTS 5 AND 6 IN BLOCK 61 IN EVANSTON IN SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 27, 1854 IN BOOK 85 OF MAPS, PAGE 42, IN COOK COUNTY, ILLINOIS.

commonly known as 1100 Davis Street, Evanston, Illinois.

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

- A. Development and use of the subject property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the applicant, and with the approved plans and documents on file in this case.
- B.
 - 1) Prior to the opening for business of the Type 2 restaurant authorized hereby, the operator shall submit to the Zoning Division for approval a Litter Collection Plan, requiring the policing of an area located within a 250-foot radius of the building in which the use is located. This area shall be policed once every three hours during the hours the use is in operation and shall be kept free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, and all other litter of any type emanating from any source. The operator of the Type 2 restaurant shall comply with the Litter Collection Plan. This Ordinance shall prevail over any inconsistent or contrary provisions in the Plan.
 - 2) For the purpose of this Ordinance, "litter" shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish,

ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

- C. The Type 2 restaurant authorized hereby shall not be open for business during the hours of midnight and five (5:00) am, seven days a week.

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 28, 2002

Adopted: February 11, 2002

Approved:

February 12, 2002

Laurence H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel