

13-O-02

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 327 Howard Street**

WHEREAS, Zoning Board Appeals ("ZBA") met on February 5, 2002 pursuant to proper notice in case no. ZBA 02-05-SU(R) to consider an application for a special use to operate a Type 2 restaurant from co-applicant, Nizarali Ladhani, lessee, and 327 Howard Street Partnership, owner of the subject property at 327 Howard Street in a B3 Zoning District; 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 the ZBA's findings and recommendation at its February 25, 2002, March 11, 2002, and March 25, 2002 meetings and recommended City Council approval with modifications; and

WHEREAS, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its February 25, 2002, March 11, 2002, and March 25, 2002 meetings,

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 record and recommendation of the Planning and

Development Committee and hereby approves the special use applied for in case no. ZBA 02-05-SU(R) on property legally described as:

ALL THAT PART OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING ON A LINE PARALLEL TO AND 33 FEET NORTH OF SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ AT A POINT 450.87 FEET EAST OF THE EASTERLY LINE OF CLARK STREET NOW KNOWN AS CHICAGO AVENUE; THENCE EAST ALONG SAID FIRST MENTIONED LINE 100 FEET TO THE CENTER LINE OF A 13 INCH BRICK WALL (SAID WALL RUNNING DUE NORTH FROM SAID FIRST MENTIONED LINE A DISTANCE OF 85 FEET) THENCE NORTH ALONG THE CENTER LINE OF SAID WALL A DISTANCE OF 85 FEET TO THE SOUTH LINE OF AN EAST AND WEST ALLEY; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING, COOK COUNTY, ILLINOIS.

commonly known as 327 Howard 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) The operator shall adhere to the Litter Collection Plan, which he submitted as part of the record at the ZBA hearing and which is attached hereto as Exhibit 1 and made a part hereof, 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 use granted hereby shall close its operation no later than ten o'clock (10:00) P.M. on Monday through Thursday and no later than eleven o'clock (11:00) P.M. on Friday, Saturday, and Sunday.
- D. The operator of the Type 2 restaurant authorized hereby shall take all reasonable steps to prevent loitering within said restaurant and upon the subject property.
- E. The co-applicants will meet on a quarterly basis with City Staff regarding Police Department, Community Development and Landlord-Tenant Issues.

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: March 11, 2002

Adopted: April 22, 2002

Approved:

April 29, 2002
Lawrence H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel