

04/23/2002, 03/14/2002

24-O-02

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 1700 Simpson Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on March 5, 2002 pursuant to proper notice in case no. ZBA 02-14-SU (R) to consider an application by Patrick Blair, property owner, for a special use for a Type 2 restaurant pursuant to Section 6-9-2-3 of the Zoning Ordinance, at 1701-1703 Simpson Street in a B1 Zoning District; and

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

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the record and recommendation of the ZBA at its March 25, 2002 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its March 25, 2002 and April 9, 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 record and recommendation of the Planning and

Development Committee and hereby approves the special use applied for in case no. ZBA 02-14-SU (R) on the subject property legally described as:

THE SOUTH 40.5 FEET OF THE EAST 34.0 FEET OF LOT 7 AND THE EAST 34 FEET OF LOT 8 IN BLOCK 8 IN PAYNES ADDITION TO EVANSTON, A SUBDIVISION OF THE WEST HALF OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS,

Commonly known as 1701-1703 Simpson Street.

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. The applicant shall comply with his testimony and representations to the Zoning Board of Appeals and Planning and Development Committee regarding the conduct of the operation of the special use, including but not limited to provision of wait staff and use of reusable dishes and utensils for meals served for consumption on the premises.
- C. The type 2 restaurant authorized hereby shall not be open for business during the hours between midnight and 6 A.M. Monday through Friday, and shall not be open for business during the hours between 1 A.M. and 6 A.M. Saturday and Sunday.
- D. The Planning and Development Committee shall review, and may recommend to the City Council a change in, the hours of operation of the subject type 2 restaurant one year after adoption of this ordinance. Notice of the Committee's review shall be given to neighboring property owners as provided for in Section 6-3-5-7(B).

- E. 1) The applicant 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 2 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. The Ordinance shall prevail over any inconsistent or contrary provisions in the Plan.
- 2) For the purposes 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, sold 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.
- F. When necessary to effectuate the purposes of this grant of special use, "applicant" shall be read "operator" and/or "applicant's successors in interest".

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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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: April 9, 2002

Adopted: April 22, 2002

Approved: April 29, 2002

Lorraine A. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel