

65-O-02

**AN ORDINANCE**

**Granting a Special Use to Allow a  
Type 2 Restaurant at 1634 Orrington Avenue**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") held a public hearing on July 2, 2002 pursuant to proper notice in case no. ZBA 02-38-SU (R) on the application of Ann Jennett of PartnerShop of Evanston, lessee, with written permission from LaSalle National Bank, administrator of Trust Agreement No. 2413, property owner, for a special use for a Type 2 Restaurant, pursuant to Section 6-11-3-4 of the Zoning Ordinance to allow a Type 2 Restaurant at 1634 Orrington Avenue, within the D2 Downtown Retail Core District; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, making a written record thereof, made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance and recommended City Council approval of the application; and

**WHEREAS**, the Planning and Development Committee considered the record and recommendation of the ZBA at its July 2, 2002 meeting and recommended City Council approval of the application; and

**WHEREAS**, the City Council considered this Ordinance 65-O-02 at its July 8, 2002 and July 22, 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 findings and recommendation of the ZBA and the recommendation of the Planning and Development

Committee in the aforescribed case no. ZBA 02-38-SU (R) and grants said special use to operate a Type 2 Restaurant on property commonly known as 1634 Orrington Avenue and legally described as follows:

LOTS 1, 2, 3, 4, 12, 13, 14 AND 15 IN BLOCK 28 IN THE VILLAGE (NOW CITY) OF EVANSTON, SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**SECTION 2:** Pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions and limitations on the grant of a special use, the following conditions and limitations are hereby imposed. When necessary to effectuate the conditions imposed on the subject property by this Ordinance 65-O-02, "applicant" shall be read as "owner," "applicant's successor(s) in interest" and/or "operator of the use".

- a. The special use granted hereby shall be subject to compliance with all applicable provisions of the Zoning Ordinance and other applicable laws or regulations.
- b. The approval is subject to construction and operation of the use in substantial compliance with testimony and representations of the Applicant, documents placed on file in connection with this case by the Applicant, and the plans, as approved by the City.
- c. 1) The operator shall submit to the Zoning Division and adhere to 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 no fewer than 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. 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.

- d. The operator of the subject Type 2 restaurant shall post and maintain posted a sign therein notifying employees who drive to work to use off-street parking.
- e. Violation of any of the above conditions or any other applicable laws or regulations may, at the City's option, void the special use permit to use the subject property for 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: July 8, 2002

Adopted: July 8, 2002

Approved: July 9, 2002

Lorraine R. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Corporation Counsel

City of Evanston

July 3, 2002

2000 Budget Report  
Evanston, Illinois  
48004  
10/1/00  
11/2/00

**ZONING BOARD OF APPEALS' RECOMMENDATION  
REGARDING 1634 ORRINGTON  
CASE ZBA 02-38-SU(R);  
HEARD JULY 2, 2002.**

Based on the application, submitted documents, testimony, and upon the deliberations and findings contained in the transcript of the hearing, the Zoning Board of Appeals recommends that the City Council grant the application of Ann Jennett of PartnerShop of Evanston, lessee, with permission from LaSalle National Bank, administrator of Trust Agreement Number 2413, property owner, for a special use for a type 2 restaurant, pursuant to Section 6-11-3-4 of the Zoning Ordinance, at the property commonly referred to as 1634 Orrington Avenue. The subject property is zoned D2 Downtown Retail Core. The applicant proposes to operate a Ben and Jerry's Ice Cream PartnerShop.

The Zoning Board of Appeals recommends approval of this zoning relief subject to the following conditions:

- 1) The operator of the type 2 restaurant shall submit to the Zoning Division and maintain compliance with a Litter Collection Plan, requiring the policing of an area within 250 feet of the leasehold area once every three hours the restaurant is open for trash originating anywhere. 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.
- 2) The operator of the type 2 restaurant shall post and maintain posted a sign in the store notifying employees that they must park in a City garage if they use public parking within the downtown.
- 3) The approval is subject to construction and use of the development being in substantial compliance with the testimony and documents placed on file in connection with this case.

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 12, 13, 14 AND 15 IN BLOCK 28 IN THE VILLAGE (NOW CITY) OF EVANSTON, SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

*Gregory Norwell*

7-3-02

Gregory Norwell, Chair  
Zoning Board of Appeals

Date

Voting Aye: Creamer, Norwell, Koberstein, Putta, Samson  
Voting Nay: None.  
Abstaining: None.  
Absent: Reiches, Walsh.

