

12/18/2002

**128-O-02**

**AN ORDINANCE**

**Granting a Special Use to Allow a  
Type 2 Restaurant at 901 Church Street**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") held a public hearing on November 19, 2002 pursuant to proper notice in case no. ZBA 02-60-SU (R) on the application of Jay Stieber, Managing Partner of Inspired Mexican Cuisine LLC, lessee, with written permission from Church Street Plaza, LLC, property owner, for a special use for a Type 2 Restaurant, pursuant to Section 6-12-2-3 of the Zoning Ordinance to allow a Type 2 Restaurant at 901 Church Street, within the RP Research Park 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 December 16, 2002 meeting and recommended City Council approval of the application; and

**WHEREAS**, the City Council considered this Ordinance 128-O-02, as amended, and the respective records and recommendations of the ZBA and the Planning and Development Committee at its December 16, 2002 and January 13, 2003 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 02-60-SU (R) and grants said special use to operate a Type 2 Restaurant on property commonly known as 901 Church Street and legally described as follows:

LOT 1 IN CHURCH MAPLE RESUBDIVISION, BEING A RESUBDIVISION OF PART OF DEMPSTER'S SUBDIVISION OF BLOCK 66 OF THE VILLAGE OF EVANSTON; PART OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY (FORMERLY CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD RIGHT OF WAY); PART OF BLOCK 18 IN THE VILLAGE OF EVANSTON; ALL OF BLOCKS 2 AND 3 IN CIRCUIT COURT SUBDIVISION IN PARTITION OF LOT 22 IN THE COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS; AND PART OF VACATED CLARK STREET AND EAST RAILROAD AVENUE; BEING IN THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 2, 1999 AS DOCUMENT 99528041 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 128-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 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 less 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.
  - 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 Applicant shall cause implementation and adherence to an employee parking plan requiring all persons employed at the subject property who drive to work to park at an off-street parking facility.
- e. The Applicant shall, prior to issuance of a final certificate of occupancy, install a window on the alley elevation of the subject property in location, dimensions, and materials designated by the Site Plan and Appearance Review Committee.
- f. 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: December 16, 2002

Adopted: January 13, 2003

Approved: January 16, 2003

Lorraine A. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel