

08/27/2003, 07/11/03, 8/12/03

70-O-03

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 1642 Maple Avenue**

WHEREAS, the Zoning Board Appeals ("ZBA") met on July 1, 2003 pursuant to proper notice in case no. ZBA 03-33-SU (R) to consider an application for a special use to operate a Type 2 Restaurant pursuant to Section 6-11-4-3 of the Zoning Ordinance from Linda Maller, with written permission from Tim Anderson, holder of beneficial interest in 1642 Maple Avenue, LLC, property owner of the subject property at 1642 Maple Avenue in the D3 Downtown Core 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 and Development Committee of the City Council considered the ZBA's findings and recommendation at its August 18, 2003 meeting and recommended City Council approval thereof with modifications; and

WHEREAS, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its August 18, 2003 and September 8, 2003 meetings; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF EVANSTON, COOK COUNTY, ILLINOIS:**

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the special use applied for in case no. ZBA 03-33-SU(R) on property legally described as set forth in Exhibit A, attached hereto and made a part hereof.

SECTION 3: 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, the following conditions are hereby imposed. When necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator" or "applicant's successors in interest".

- 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 owner of the property and the operator of the Type 2 restaurant 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 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. All litter collected pursuant to the Litter Collection Plan shall be placed in the exterior litter receptacles referred to in Condition D and shall not be deposited into sidewalk trash receptacles. The owner of the property and 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.

- C. 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 owner of the property and the operator of the Type 2 Restaurant shall maintain exterior litter receptacles of a number and type adequate, in the City's judgment, and with collections therefrom of sufficient frequency, also in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the use, and all litter collected pursuant to the Litter Collection Plan. Collections shall be a minimum of 3 times a week, including collections on Sundays to the extent necessary, in the City's judgment, to comply with this condition. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. The owner of the subject property shall provide adequate space at the rear of and on the subject property to accommodate the litter receptacles and collections required by this condition.
- E. Within seven (7) days of written notice from the City to do so, the number of litter receptacles, and/or the number of collections from each shall be increased or modified in accordance with the City's directive.
- F. The operator of the Type 2 Restaurant shall cause implementation and adherence to an employee parking plan minimally requiring the operator of the Type 2 restaurant and the operator's employees to park at an off-street parking facility available in the downtown area when driving to their employment at the Type 2 restaurant.
- G. No deliveries shall be made to the subject Type 2 restaurant on any day before 9:00 a.m. or after 9:00 p.m. The applicant shall assure that delivery personnel employed in conjunction with the Type 2 restaurant shall not park or drive delivery vehicles, including bicycles, in violation of any codes, ordinances or regulations which so employed. The applicant shall assure that delivery personnel

employed in conjunction with the Type 2 restaurant shall not park delivery vehicles in any public on street parking spaces.

H. Deep fryers, grills, ovens, or other appliances which ventilate to the exterior of the property shall not be located or used on the subject property.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: August 18, 2003

Adopted: September 8, 2003

Approved:

September 11, 2003

Lorraine H. Mouton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel