

74-O-03

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 1900 Dempster Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on July 15, 2003 pursuant to proper notice in case no. ZBA 03-34-SU(R) to consider an application for a special use to operate a Type 2 Restaurant pursuant to Section 6-10-2-3 of the Zoning Ordinance from Dan Okonman, with written permission from Joseph, Freed and Associates, LLC, property owner of the subject property at 1900 Dempster Street, in a C1 Commercial 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 03-34-SU(R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 1900 Dempster Street, Evanston, Illinois.

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".

- 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 to the ZBA, Planning and Development Committee, and City Council, and with the approved plans and documents on file in this case.
- B.
 - 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 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.

- C. The operator shall remove all litter on the exterior of the subject property to the interior every Sunday, if necessary to effectuate the conditions of this Ordinance.
- D. The use authorized hereby shall have litter receptacles in a number adequate in the City's judgment and collections therefrom a minimum of three times a week. Receptacles shall be sufficient in number and capacity to contain, with the lids tightly shut, all litter emanating from operation of the use and collected pursuant to the above-described litter collection plan, and accumulating between collections. All litter receptacles shall be clean and maintained in accordance with City Code requirements, and shall be placed on Code-compliant surfaces.
- 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 use authorized hereby shall not operate after 10:00 p.m., Sunday through Thursday, nor after 11:00 p.m. on Fridays and Saturdays, the applicant having represented to the Planning and Development Committee that these were to be his closing hours.
- G. 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. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form

[Signature]
Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF 1900 DEMPSTER:

PARCEL 1:

LOT 1 IN BANBURY THIRD CONSOLIDATION RECORDED MARCH 27, 1987 AS DOCUMENT 87162463 BEING A CONSOLIDATION OF PART OF LOT 1 IN BANBURY SECOND CONSOLIDATION AND PART OF LOT "A" IN CALHOUN NORTON CONSOLIDATION, BOTH IN THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;
EXCEPTING THEREFROM THAT PART OF BANBURY THIRD CONSOLIDATION, BEING A CONSOLIDATION PLAT RECORDED AS DOCUMENT NUMBER 87162463, LEGALLY DESCRIBED AS FOLLOWS:

THAT PART OF LOTS 8, 9, 10, 11, AND 12 IN BLOCK 2 IN GROVER AND PITNER'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 12 AT ITS INTERSECTION WITH A LINE DRAWN 45.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTER LINE BETWEEN THE TWO MAIN TRACKS (THE NORTHWESTERLY OF TWO MAIN TRACKS HAVING BEEN REMOVED) OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, AS SAID CENTER LINE WAS ORIGINALLY LOCATED AND ESTABLISHED; THENCE NORTHEASTERLY PARALLEL WITH SAID ORIGINAL CENTER LINE A DISTANCE OF 241.64 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE; A DISTANCE OF 5.00 FEET; THENCE SOUTHWESTERLY ALONG A LINE DRAWN 40.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE AFORESAID ORIGINAL CENTER LINE, A DISTANCE OF 239.38 FEET TO THE POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 12 AFORESAID; THENCE WEST; ALONG SAID SOUTH LINE A DISTANCE OF 5.49 FEET TO THE HEREINBEFORE DESCRIBED POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.