

10/21/2003

100-O-03

**AN ORDINANCE**

**Granting a Special Use for a Type 2  
Restaurant at 1549 Sherman Avenue**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on October 7, 2003 pursuant to proper notice in case no. ZBA 03-58-SU (R) to consider an application for a special use to operate a Type 2 Restaurant pursuant to Section 6-11-3-4 of the Zoning Ordinance from Christopher Casas, lessee, with written permission from the property owner of the subject property at 1549 Sherman Avenue, in a D2 Downtown Retail 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 October 27, 2003 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 October 27, 2003 and November 10, 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 03-58-SU (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 1549 Sherman Avenue, 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 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, including collections on Sundays, to the extent necessary to comply with this condition. 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 operator of the Type 2 Restaurant shall cause implementation and adherence to an employee parking plan primarily requiring, at a minimum, 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.

**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: October 27, 2003

Adopted: November 10, 2003

Approved:

November 13, 2003

Lorran H. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

**PARCEL 1:**

LOT 7, EXCEPT THE EAST 90 FEET THEREOF, IN BLOCK 27, IN THE SOUTHEAST  $\frac{1}{4}$  AND THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**COMMONLY KNOWN AS:**

1549-55 SHERMAN AVENUE, EVANSTON, ILLINOIS.

