

9/28/2004
10/6/2004

101-O-04

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 1611 Sherman Avenue**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on September 21, 2004 pursuant to proper notice in case no. ZBA 04-35-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 ("Ordinance") from Vaidys Shah and Purav Shah, lessees, with permission from Robinson Enterprises, owner of the subject property at 1611 Sherman Avenue in the D2 Downtown Retail Core Zoning District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, and made a verbatim record and findings that the application for the Type 2 Restaurant met the standards for special uses in Section 6-3-5 of the Ordinance 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 11, 2004 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 11, 2004 and October 25, 2004 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 04-35-SU (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 1611 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", "operator", and "property owner" shall be interchangeable.

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 two-hundred fifty (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. Submission to, and approval by, the Zoning Administrator of a plan to assure that delivery vehicles arrive and depart at such time and in such a manner as to minimize traffic flow interruption is required. The plan must be implemented on or prior to issuance of the Certificate of Occupancy, maintained at all times, and promptly revised upon written notification from the City that such plan is ineffective.

D. The operator and/or applicant shall cause implementation of, and adherence to, an employee parking plan requiring, as a minimum, the operator of the Type 2 restaurant and the operator's employees who drive to their employment at the subject Type 2 restaurant to park off-street at a lawful location.

E. 1) Exterior litter receptacles shall be provided and maintained in sufficient number and type, and contain, with lids tightly shut, all litter emanating from operation of the use, and all litter collected pursuant to the litter collection plan. Litter collections must be monitored to assure that they are sufficient in number and scope to achieve and maintain compliance with applicable City Codes. Collections shall be a minimum of three (3) times a week, including collections on Sundays if the City determines that such are necessary to achieve and maintain said City Code compliance. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. Adequate space shall be provided and maintained at the rear of and on the subject property to accommodate the required litter receptacles and collections.

2) 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.

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 11, 2004

Adopted: October 25, 2004

Approved: October 26, 2004

Ann Rainey
Mayor Pro Tem

Attest:

Mary R. Morris
Mary R. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel