

2/6/2006

19-0-06

AN ORDINANCE

**Granting a Special Use for a
Type 2 Restaurant at 900 Chicago Avenue,
in a C1a Commercial Mixed-Use District,
(Froots)**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on January 24, 2006, pursuant to proper notice, in case number ZBA 06-01-SU(R) to consider an application by Roy Torobio, lessee, with permission from Esskay, LLC, owner of the subject property, 900 Chicago Avenue, located in a C1a Commercial Mixed-Use District, for a special use to establish a Type 2 Restaurant, pursuant to Section 6-10-3-3 of the Zoning Ordinance; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a *verbatim* record and written findings that the application for a special use for a Type 2 Restaurant met the standards for special uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's record, findings, and recommendation at its February 13, 2006 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and the Planning

and Development Committee at its February 13, 2006 and February 27, 2006 meetings;

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 respective records, findings, and recommendations of the ZBA and the Planning and Development Committee, and hereby approves the special use applied for in case number ZBA 06-01-SU(R) on property legally described 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, and when necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator" or "applicant's successors in interest".

A. Compliance with Applicable Requirements: 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, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case.

B. Litter Collection Plan:

1) The applicant shall implement and adhere to a Litter Collection Plan requiring the policing of an area located within a two hundred fifty-foot (250') radius of the building in which the use is located. This area shall be policed once every three (3) 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. 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.

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. Litter Pick-Up Plan:

1) The owner of the subject property, the operator, and/or applicant of the Type 2 Restaurant shall provide and maintain on the subject property exterior litter receptacles in sufficient 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 three (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.

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.

D. Parking Plan: An employee parking plan shall be implemented and adhered to, as a minimum, 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.

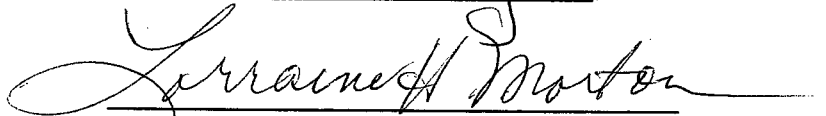
SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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: February 13, 2006

Adopted: February 27, 2006

Approved: February 28, 2006



Lorraine H. Morton, Mayor

Attest:



Mary P. Morris, City Clerk

Approved as to form:



Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION FOR 900 CHICAGO AVENUE

THAT PART OF LOTS 1 THROUGH 4, BOTH INCLUSIVE IN BLOCK 1 IN GIBBS, LADD & GEORGE'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF A PORTION OF THE NORTH EAST QUARTER OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART TAKEN FOR CHICAGO, EVANSTON & LAKE SUPERIOR RAILROAD COMPANY BY DEED RECORDED APRIL 29, 1886 AS DOCUMENT 711919), IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: **900 CHICAGO AVENUE**

