

5/25/2006

72-O-06

AN ORDINANCE

**Granting a Special Use for a
Type 2 Restaurant at 1633-1635 Orrington Avenue
in the D3 Downtown Core Development District,
("Pomegranate")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on May 23, 2006, pursuant to proper notice, in case no. ZBA 06-29-SU(R), to consider an application by Rashad Moughrabi, lessee, with permission from Wilmette Real Estate and Management Company, LLC, owner of 1633-1635 Orrington Avenue (the "Subject Property") located in the D3 Downtown Core Development District, for a special use to establish a Type 2 Restaurant, pursuant to Section 6-11-4-3 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 June 12, 2006 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered the respective records, findings, and recommendations of the ZBA and the Planning and Development Committee at its June 12, 2006 meeting; and

WHEREAS, the City Council adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its June 26, 2006 meeting,

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 for a Type 2 Restaurant applied for in case no. ZBA 06-29-SU(R) on the Subject Property, legally described in Exhibit A, attached hereto and made a part hereof, and commonly known as 1633 to 1635 Orrington Avenue.

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 there from 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 approved hereby.

E. Restoration of the front façade: The Applicant shall restore the front façade of 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: June 12, 2006

Approved:

Adopted: June 26, 2006

June 27, 2006
Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:

Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A

Legal Description

SUB-LOTS 1 AND 2 (EXCEPT THE SOUTH 15 FEET THEREOF DEDICATED AS A PUBLIC ALLEY), SUB-LOTS 3, 4, AND 5, INCLUSIVE, IN THE RESUBDIVISION OF LOTS 2 AND 3 IN BLOCK 19 OF ORIGINAL VILLAGE (NOW CITY) OF EVANSTON, ACCORDING TO THE PLAT THEREOF RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, STATE OF ILLINOIS, IN THE BOOK OF PLATS NO. 85, PAGE 41, AS DOCUMENT 52838, INCLUDING ALSO THE 15 FOOT STRIP IMMEDIATELY WEST AND ADJACENT TO SAID SUB-LOT 2 (EXCEPT THE SOUTH 15 FEET THEREOF) VACATED AS AN ALLEY BY ORDINANCE OF THE CITY COUNCIL OF EVANSTON, APPROVED JUNE 27, 1928, RECORDED JULY 2, 1928 AS DOCUMENT 10074866, ALL IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

Commonly known as: **1633-1635 Orrington Avenue.**

