

7/12/2006  
6/27/2006

**81-O-06**

**AN ORDINANCE**

**Granting a Special Use for a  
Type 2 Restaurant at  
1596 Sherman Avenue / 802 Davis Street,  
in the D3 Downtown Core Development District  
("Argo Tea")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on June 20, 2006, pursuant to proper notice, in case number ZBA 06-40-SU(R) to consider an application by James Murray, attorney, o/b/o Argo Tea Davis LLC, lessee, with permission from Horn Trust, owner of the subject property, 1596 Sherman Avenue/802 Davis Street, located in a 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 July 10, 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 July 10, 2006 meeting;

**WHEREAS**, the City Council adopted the respective records, findings, and recommendations of the ZBA and the Planning and Development Committee at its July 24, 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 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.

**E. Cooking Appliances:**

The operator shall not use in or on the subject property any deep fryers, grills, ovens, or other cooking appliances that ventilate to the exterior of the building.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

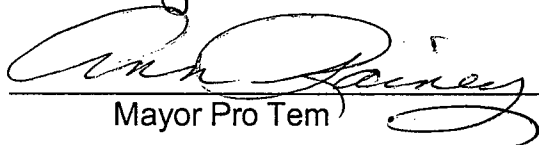
**SECTION 5:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 10, 2006

Approved:

Adopted: July 24, 2006

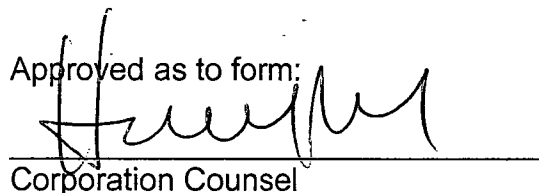
August 3, 2006

  
Mayor Pro Tem

Attest:

  
Mary R. Morris, City Clerk

Approved as to form:

  
Corporation Counsel

## EXHIBIT A

**LEGAL DESCRIPTION**

UNIT 802 DAVIS STREET, IN OPTIMA TOWERS EVANSTON COMMERCIAL CONDOMINIUM, AS DELINEATED ON THE SURVEY OF CERTAIN LOTS OR PARTS THEREOF IN CONSOLIDATION OF PART OF BLOCK 64 IN VILLAGE OF EVANSTON IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "F" TO THE DECLARATION OF CONDOMINIUM RECORDED MARCH 7, 2002 AS DOCUMENT NO. 0020263493, AS AMENDED FROM TIME TO TIME, IN COOK COUNTY, ILLINOIS, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT TO SAID UNIT, AS SET FORTH IN SAID DECLARATION.

COMMONLY KNOWN AS: **1596 Sherman Avenue / 802 Davis Street**

