

10/25/2006

108-O-06

AN ORDINANCE

**Granting a Special Use for a
Type 2 Restaurant at 2012 Central Street
in the B2 Business District,
("Linz and Vail")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on October 9, 2006, pursuant to proper notice, in case no. ZBA 06-66-SU(R), to consider an application by Susan Dejanovic, prospective lessee, with permission from Donald Vetter, owner of 2012 Central Street (the "Subject Property") located in the B2 Business District, for a special use to establish a Type 2 Restaurant, "Linz and Vail" coffee shop and gelateria, pursuant to Section 6-9-3-3 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 November 13, 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 November 13, 2006 meeting; and

WHEREAS, the City Council adopted the respective records and recommendations of the Planning and Development Committee at its November 27, 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 06-66-SU(R) on the Subject Property, legally described in Exhibit A, attached hereto and made a part hereof, and commonly known as 2012 Central Street

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 neighborhood when driving to their employment at the Type 2 Restaurant approved hereby.

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 108-O-06 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: November 13, 2006

Approved:

Adopted: November 27, 2006

November 28, 2006

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary P. Morris
Mary P. Morris, City Clerk

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

EXHIBIT A

LEGAL DESCRIPTION

LOTS 10 AND 11 IN BLOCK 18 IN NORTH EVANSTON, A SUBDIVISION OF LOTS 11 TO 16 AND THE WEST 4.3 ACRES OF LOT 17 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF ARCHANG'S QUILIMETTE RESERVE, AND ALSO OF LOTS 1 AND 3 AND THAT PART OF LOT 2 LYING BETWEEN THE CHICAGO & MILWAUKEE R.R. AND THE WEST LINE OF LOT 3 PRODUCED TO THE WEST LINE OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN OF ASSESSOR'S PLAT OF EVANSTON, IN SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as: **2012 Central Street.**

