

1/9/2007

8-O-07

AN ORDINANCE

**Granting a Special Use for a
Retail Service Establishment
at 1908 Greenwood Street
in the I2 General Industrial District
("Dogma" Dog Daycare and Training Facility)**

WHEREAS, Rebecca Anno, (the "Applicant"), with permission from Milos and Zora Orlic, owners of the Property commonly known as 1908 Greenwood Street (the "Property"), located in the I2 General Industrial District, submitted an application seeking approval, pursuant to the provisions of Section 6-14-3-2 of the Zoning Ordinance, for a special use for a retail service establishment, "Dogma" Dog Daycare and Training Facility, at the Property; and

WHEREAS, the Zoning Board of Appeals ("ZBA") met, pursuant to proper notice, on November 21, 2006, and in case no. ZBA 06-67-V(F) considered Applicant's application; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings declaring that the application 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 the ZBA's findings and recommendation at its January 8, 2007 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee at its January 22, 2007 meeting, 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 06-67-V(F), on property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 1908 Greenwood Street, 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, "applicant" shall be read as "owner" or "operator".

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 retail service establishment 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 retail service establishment 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 Applicant and the Applicant's employees to park at an off-street parking facility in the area when driving to their employment at the retail service establishment.

E. Occupancy Limits

The number of animals kept on site shall be limited according to nationally-recognized standards for the safe and humane operation of dog kennels and dog day care facilities.

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: January 22, 2007 Approved: _____
 Adopted: January 22, 2007 January 26, 2007

Lorraine H. Morton
 Lorraine H. Morton, Mayor

Attest:
Mary P. Morris
 Mary P. Morris, City Clerk

Approved as to form:
[Signature]
 Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION FOR 1908 GREENWOOD STREET

LOT 1 IN BRANNSTROM-DICKSON RESUBDIVISION OF LOT 3 IN BANBURY SUBDIVISION, AND THAT PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE SOUTH 308.0 FEET, EAST OF THE EASTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY AND SOUTH OF THE SOUTH LINE OF GREENWOOD STREET, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 25, 1986 AS DOCUMENT NUMBER 86114879, IN COOK COUNTY, ILLINOIS.

