

**41-O-13**

**AN ORDINANCE**

**Granting a Special Use Permit for a Type 2 Restaurant  
Located at 1629 Orrington Avenue in the  
D3 Downtown Zoning District (“Naf Naf Grill”)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on March 19, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0012, an application filed by Naf Naf Grill – Evanston, LLC, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1629 Orrington Avenue (the “Subject Property”) and located in the D3 Downtown Core Development Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-11-4-3 of Title 6 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant, “Naf Naf Grill,” on the Subject Property; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit 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**, at its meeting of April 1, 2013, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approve the application in case no. 13ZMJV-0012; and

**WHEREAS**, at its meetings of April 1 and April 22, 2013, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are found as fact and incorporated herein by reference.

**SECTION 2:** The City Council hereby approves the Special Use Permit for a Type 2 Restaurant on the Subject Property as applied for in case no. 13ZMJV-0012.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Litter Collection Plan:** The Applicant shall implement and adhere to a Litter Collection Plan that requires the policing of an area located within a radius of two hundred fifty feet (250') of the Subject Property. The Applicant shall police this area at least once every three (3) hours during the hours the Special Use is in operation and shall keep it free of all litter, from any source. For the purpose of this ordinance, "litter" shall include, but is not limited to: food, food waste, and beverages; solid waste, including paper, wrappings, containers, cardboard, napkins, straws, utensils, plates, cans, glass, crockery, cigarette butts, ashes and similar materials; animal waste and dead animals; yard clippings and leaves; 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:** The Applicant and/or the owner of the Subject Property shall provide and maintain, on the Subject Property, exterior litter receptacles, in sufficient number and type, and with collections therefrom of sufficient number and frequency, in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the Special Use authorized hereby. Litter shall be collected no less than three (3) times per week, including collections on Sundays as 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. Within seven (7) days of written notice from the City to do so, the Applicant and/or the owner of the Subject Property shall modify the number of litter receptacles and/or the number of collections therefrom, as directed by the City.
- D. Hours of Operation:** The Applicant shall not operate the Type 2 Restaurant authorized by this ordinance between midnight and 6:00 a.m. on any Monday, Tuesday, Wednesday, Thursday, or Friday, or between 1:00 a.m. and 6:00 a.m. on any Saturday or Sunday.
- E. Employee Parking:** When driving to work at the Type 2 Restaurant authorized by this ordinance, the Applicant and its employees shall park only in an off-street parking facility.
- F. No Deliveries on Orrington:** The Applicant shall require any driver making a delivery to or from the Type 2 Restaurant authorized by this ordinance to do so via the alley immediately east of the Subject Property.
- G. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

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

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 8:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: April 1, 2013

Approved:

Adopted: April 22, 2013

April 24, 2013

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A****LEGAL DESCRIPTION**

**STREET ADDRESS:** 1603 and 1629 ORRINGTON AVENUE  
**CITY:** EVANSTON  
**COUNTY:** COOK  
**PERMANENT INDEX NUMBERS:** 11-18-306-005-0000  
 11-18-306-007-0000  
 11-18-306-032-0000  
 11-18-306-035-0000  
 11-18-306-036-0000  
 11-18-306-034-0000

**Parcel 1:**

Lots 6 and 7 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, and Lot 1 in the subdivision of Lots 8 and 9 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, together with all of the 16 foot vacated alley lying northerly of and adjoining said Lot 1.

**Parcel 2:**

Lots 2, 3, 4 and 5 in the subdivision of Lots 8 and 9 in Block 19 in Evanston, together with all of the 16 foot vacated alley lying northerly of and adjoining said Lots 2, 3, 4 and 5, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.

**And Also:**

Lot 4 and Lot 5 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, except that part of said Lots 4 and 5 in Block 19 included in the following parcel: That part of Lots 4 and 5 taken as a single tract, in Block 19, in Evanston, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, described as follows: Commencing at the Northwest corner of said Lot 4; thence South on the West line of said tract, 100.56 feet to the North face and its extension of a brick wall; thence East along the North face and its extension of said brick wall, 210.44 feet to the East line of said Lots 4 and 5; thence North on the East line of said tract, 100.10 feet to the Northeast corner of Lot 4; thence West on the North line of said Lot 4, 210.42 feet to the place of beginning, said tract to have a lower limit of 19.66 feet, City of Evanston Datum, which lies within an undisturbed concrete slab, used as a floor for said tract and used as a ceiling for an underground parking garage.

**Parcel 3:**

That part of Lots 4 and 5, taken as a single tract, in Block 19, in Evanston, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, described as follows: Commencing at the Northwest corner of said Lot 4; thence South on the West line of said tract, 100.56 feet to the North face and its extension of a brick wall; thence East along the North face and its extension of said brick wall, 210.44 feet to the East line of said Lots 4 and 5; thence North on the East line of said tract, 100.10 feet to the Northeast corner of Lot 4; thence West on the North line of said Lot 4, 210.42 feet to the place of beginning, said tract to have a lower limit of 19.66 feet, City of Evanston Datum, which lies within an undisturbed concrete slab, used as a floor for said tract and used as a ceiling for an underground parking garage.