

9/12/2017

100-O-17

AN ORDINANCE

**Granting a Special Use Permit and a Major Variation for a Type 2
Restaurant Located at 1829 Simpson Street in the B1 Business
District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on August 30, 2017 pursuant to proper notice, to consider case no. 17ZMJV-0065, an application filed by Rita Kats (the “Applicant”), property owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1829 Simpson Street (the “Subject Property”) and located in the B1 Business Zoning District, for a Special Use Permit and a Major Variation to establish, pursuant to Subsection 6-9-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant on the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation:

- (A) The Applicant requests a four and three tenths feet (4.3 ft.) east interior side yard setback for a roofed patio and a one-story addition where ten feet (10 ft.) is required 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 and a Major Variation met the standards for Special Uses in Sections 6-3-5-10 and 6-3-8-12 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 25, 2017, 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. 17ZMJV-0065; and

WHEREAS, at its meetings of September 25, 2017 and October 9, 2017, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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 adopts the P&D Committee’s records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10(D) of the Zoning Ordinance, the Special Use Permit for a Type 2 Restaurant and a Major Variation on the Subject Property as applied for in case no. 17ZMJV-0065.

SECTION 3: The Major Variation approved hereby is as follows:

- (A)** Approval to permit a four and three tenths feet (4.3 ft.) east interior side yard setback for a roofed patio and a one-story addition on the Subject Property. Subsection 6-9-2-7(E) requires a ten feet (10 ft.) east interior side yard setback on the Subject Property.

SECTION 4: Pursuant to Subsections 6-3-5-12 and 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant’s Special Use Permit and Major Variations, 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, including but not limited to: the Sustainability Practices for Type 2 Restaurants submitted by the Applicant dated August 22, 2017.
- B. **Hours of Operation:** The Applicant may operate the Type 2 Restaurant authorized by this ordinance only between the hours of 10:30 a.m. and 8:30 p.m. on any given day.
- C. **Employee Parking:** Employees must park in a City-owned parking lot during the hours of operation.
- D. **Fencing:** The Applicant agrees that all fencing must be installed as plans indicate submitted to the City of Evanston except that there must not be a gate on the fence on the west side of the Subject Property leading to the park.
- E. **Noise:** The Applicant ensures that there will be no amplified music outside of the Subject Property.
- F. **Trash:** The Applicant agrees that all trash must be in the rear of the Subject Property in a lockable enclosure.
- G. **Lighting:** The Applicant agrees that all lights on the Subject Property shall dim after business hours to provide a minimum level of lighting necessary for safety through the Subject Property as well as minimal light pollution.
- H. **Rodent Control Plan:** The Applicant agrees to create and implement an aggressive monthly rodent control plan for the Subject Property.
- I. **Commercial Garbage Pick-Up:** The Applicant agrees that all commercial garbage must be picked up at least two (2) times per week. The Applicant must also ensure that the garbage company will pick up trash directly from the trash enclosure and wheel the trash through the restaurant so that at no time are there garbage cans sitting out on the parkway.
- J. **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 5: 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 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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 9: 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: September 25, 2017

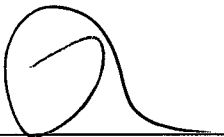
Adopted: October 9, 2017

Approved:

October 16, 2017

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

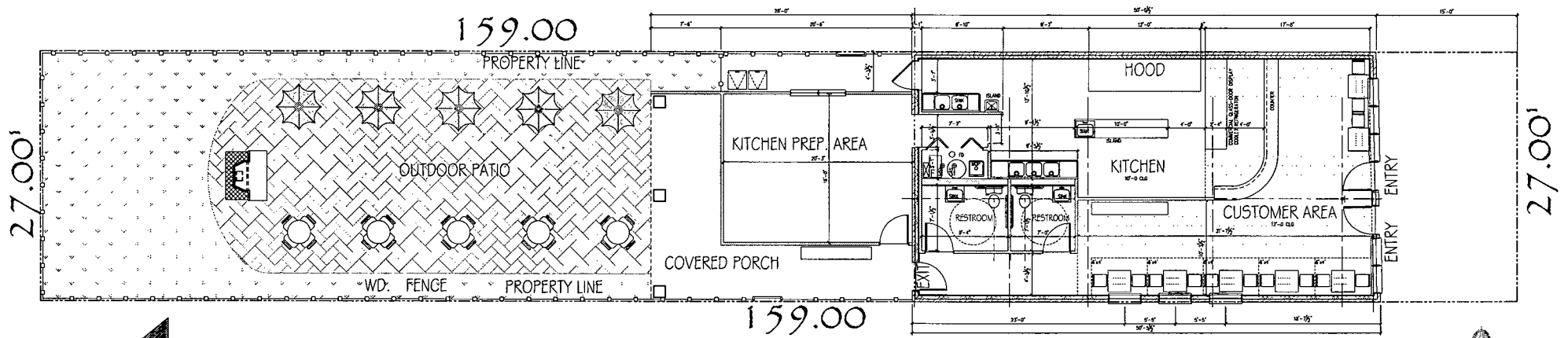
LEGAL DESCRIPTION

THE WEST 27 FEET OF LOT 4 IN SHIPLEY'S RESUBDIVISION OF LOTS 9-11 AND THE WEST 1/2 OF VACATED STREET WEST AND ADJOINING SAID LOTS IN BLOCK 9 IN PAINES' ADDITION TO EVANSTON IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PIN: 10-12-419-002-0000

COMMONLY KNOWN As: 1829 Simpson Street, Evanston, Illinois.

EXHIBIT B
GENERAL SITE PLAN



1829 Simpson St-Proposed restaurant floor plan
ONE STORY EXISTING MASONRY BUILDING

