

07/21/99

103-O-99

**AN ORDINANCE**

**Granting a Special Use for a Type 2  
Restaurant for Potbelly Sandwich Works**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on July 20, 1999, in case number ZBA 99-27-SU(R), pursuant to proper notice, on the application of Bryant Keil for Potbelly Sandwich Works, for a special use pursuant to Section 6-11-3-4 of the Zoning Ordinance, to allow a Type 2 restaurant at 630 Davis Street within the D2 Downtown Retail Core District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made written findings pursuant to Section 6-3-5-10 the Zoning Ordinance that the application met the standards for special uses and recommended that the City Council grant the application; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's findings and recommendation,

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

**SECTION 1:** The City Council hereby adopts the findings and recommendation of the Planning and Development Committee in the aforescribed case number ZBA 99-27-SU(R) and grants said special use on property legally described as follows:

SUBLOT 4 OF THE RESUBDIVISION OF LOTS 11 AND 12 IN BLOCK 27, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 11, 1868, IN BOOK 166 OF MAPS, PAGE 26, AS DOCUMENT NUMBER 158725, EXCEPT FOR THE SOUTH 16 FEET OF SAID SUB-LOT 4; WHICH IS USED AND HAS BEEN DEDICATED FOR THE PURPOSE OF A PUBLIC ALLEY, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**SECTION 2:** That pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions upon the grant of special uses, these conditions are hereby imposed:

1. Development and use of the subject property shall be in substantial compliance with the testimony presented by the applicant, documents placed on file and approved plans, all in connection with this case.
2. The grant of zoning relief is subject to compliance with all applicable provisions of the Zoning Ordinance and all other applicable legislation.
3. The operator of the Type 2 restaurant shall institute and maintain compliance with a litter collection plan requiring no less than twice daily policing of an area within 250 feet of the subject property, which area is indicated on Attachment 1, and including within the litter collection plan area all parts of Fountain Square, for trash originating from any source and shall keep such area free of rubbish, litter, and waste material, including but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans and other similar waste materials emanating from any source.
4. The operator of the Type 2 Restaurant shall implement and continue to follow an employee parking plan in compliance with the documents and testimony presented by the applicant and shall in any event require the operator and the operator's employees to park at an off-street parking facility available in the downtown area.
5. The operator of the Type 2 restaurant shall insure that its delivery personnel shall not park or drive delivery vehicles, including bicycles, in violation of any applicable legislation in the course of their employment.

6. The operator of the Type 2 restaurant shall insure that its delivery personnel shall not park delivery vehicles in any public on-street parking spaces.
7. Violation of any of the above conditions or any other applicable laws or regulations may, at the City's option, void the special use permit granted hereby.

**SECTION 3:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** 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 26, 1999

Adopted: August 16, 1999

Approved: August 19, 1999

Lorraine H. Norton  
Mayor

ATTEST:

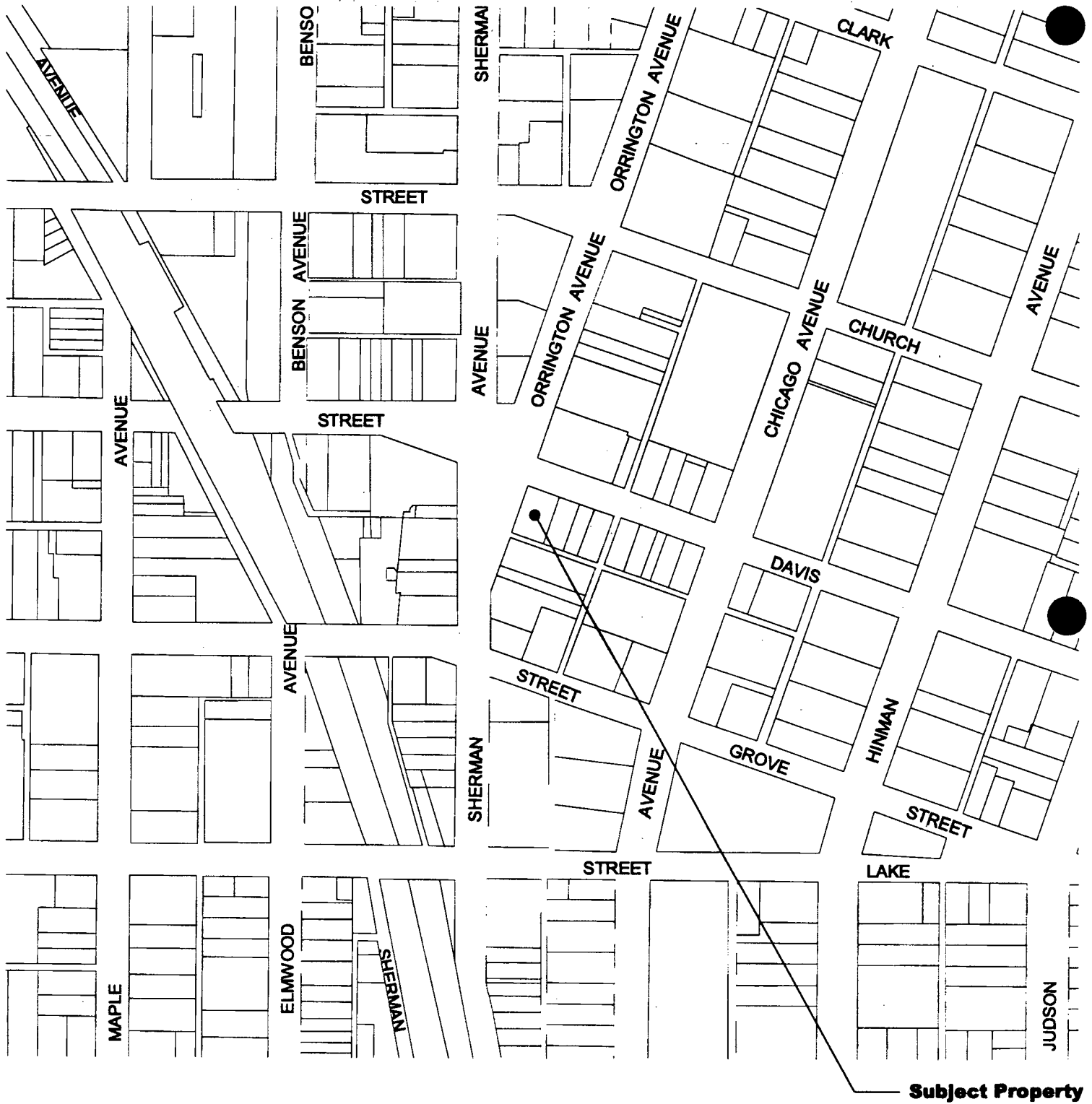
Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

# ATTACHMENT 1 to ORDINANCE 103-0-99

## Litter Collection Area for 630 Davis Street Within 250 Feet of Property (Includes Adjacent Right-of-Way)



City of Evanston  
July 20, 1999

Marc Mylott, AICP  
Zoning Planner  
Zoning Division of the Community Development Department

300 0 300 600 900 1200 1500 1800 Feet

