

10/12/99, 10/7/99

123-O-99

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant for Chipotle Mexican Grill**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on October 5, 1999, in case number ZBA 99-49-SU(R), pursuant to proper notice, on the application of Marc Simon for Chipotle Mexican Grill, for a special use pursuant to Section 6-11-3-4 of the Zoning Ordinance, to allow a Type 2 restaurant at 711 Church 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 of 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: That the City Council hereby adopts the findings and recommendation of the Planning and Development Committee in the aforementioned case number ZBA 99-49-SU(R) and grants said special use on property legally described in Exhibit A and made a part hereof.

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. The operation of the Type 2 restaurant will be in substantial compliance with the testimony presented and the plans and documents placed on file in connection with this case.
2. The operator of the Type 2 restaurant shall institute and maintain compliance with a litter collection plan requiring policing of an area within 250 feet of the subject property, which area is graphically represented on Exhibit B (attached hereto and made a part hereof), no less than three times a day for trash originating anywhere 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, and shall further comply with and impose upon the 250 foot litter collection area the Litter Control Plan which the applicant has included with his application for a special use, and is attached as Exhibit C and made a part hereof.
3. 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 during the public hearing and shall in any event require the operator of the Type 2 Restaurant and the operator's employees when utilizing parking to park at an off street parking facility as is available in the downtown area, and shall further comply with the Employee Parking Control Plan which the applicant has included with his application for a special use, and is attached as Exhibit D and made a part hereof.
4. No building permit, except for demolition, shall be issued until such time that the Site Plan and Appearance Review Committee grants final site plan and appearance review approval. Decisions of the Site Plan and Appearance Review Committee regarding appearance matters shall be binding upon the applicant.
5. The operator of the Type 2 Restaurant shall take all reasonable steps to secure the maximum number of trash dumpsters and the maximum number of trash pickups necessary to assure that at no time will the subject Type 2

Restaurant lack sufficient trash dumpster capacity to contain the subsequent waste stream generated by the subject Type 2 Restaurant prior to the next trash pickup. The operator of the Type 2 Restaurant shall at all times maintain all dumpsters used by the Type 2 Restaurant in good condition, with tight fitting lids, and shall keep these dumpsters on well maintained surfaces. At no time shall the operator of the Type 2 Restaurant allow the volume of trash placed in a trash dumpster to exceed the capacity of the dumpster so that the lid of the dumpster is not secure, and at no time shall the operator of the Type 2 Restaurant allow trash to be placed in or around the trash dumpster in a manner which would allow the accumulation of trash outside of a dumpster with a tight fitting lid. The operator of the Type 2 Restaurant at all times shall maintain compliance with all applicable regulations of Title 8, Health and Sanitation, of the City Code. The operator of the Type 2 Restaurant shall take all reasonable steps to discourage the presence of rodents on the subject property and in its general vicinity.

6. The operator of the Type 2 Restaurant shall at no time close for business later than 11:00 p.m., seven days a week.
7. Violation of any of the above conditions or any other applicable laws or regulations may void the special use permit to use the subject property as a Type 2 Restaurant.

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: October 11, 1999

Adopted: October 25, 1999

Approved: October 26, 1999

Lorraine H. Morlon
Mayor

ATTEST:

Maureen Press
Deputy City Clerk

Approved as to form:

[Signature]
Corporation Counsel

EXHIBIT A TO ORDINANCE # 123-0-99

PARCEL 1:

The South 150 feet of Lots 5 and 6, (as a tract), in Block 16 in the Original Village, now City of Evanston, excepting from said premises the West 50 feet and also except the East 25 feet of the West 75 feet of the South 50 feet of the North 60 feet of said Lot 6, in Section 18, Township 41 North, Range 14, East of the Third Principal Meridian;

Also:

Right-of-way for ingress and egress in, over and upon the North 10 feet of the East 65 feet in Lot 6 and the South 2 feet of the East 65 feet of Lot 7 in Block 16 in the Original Village, now City of Evanston, in Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, as created by Warranty Deed from Conrad Schmisser and Anna Schmisser, his wife, to Henry Hutton, dated 5 1915 and recorded June 24, 1915 as Document 5,660,422;

PARCEL 2:

The West 50 feet of Lot 5 and the West 50 feet of the South 15 feet of Lot 6 in Block 16 in Evanston, all in Cook County, Illinois;

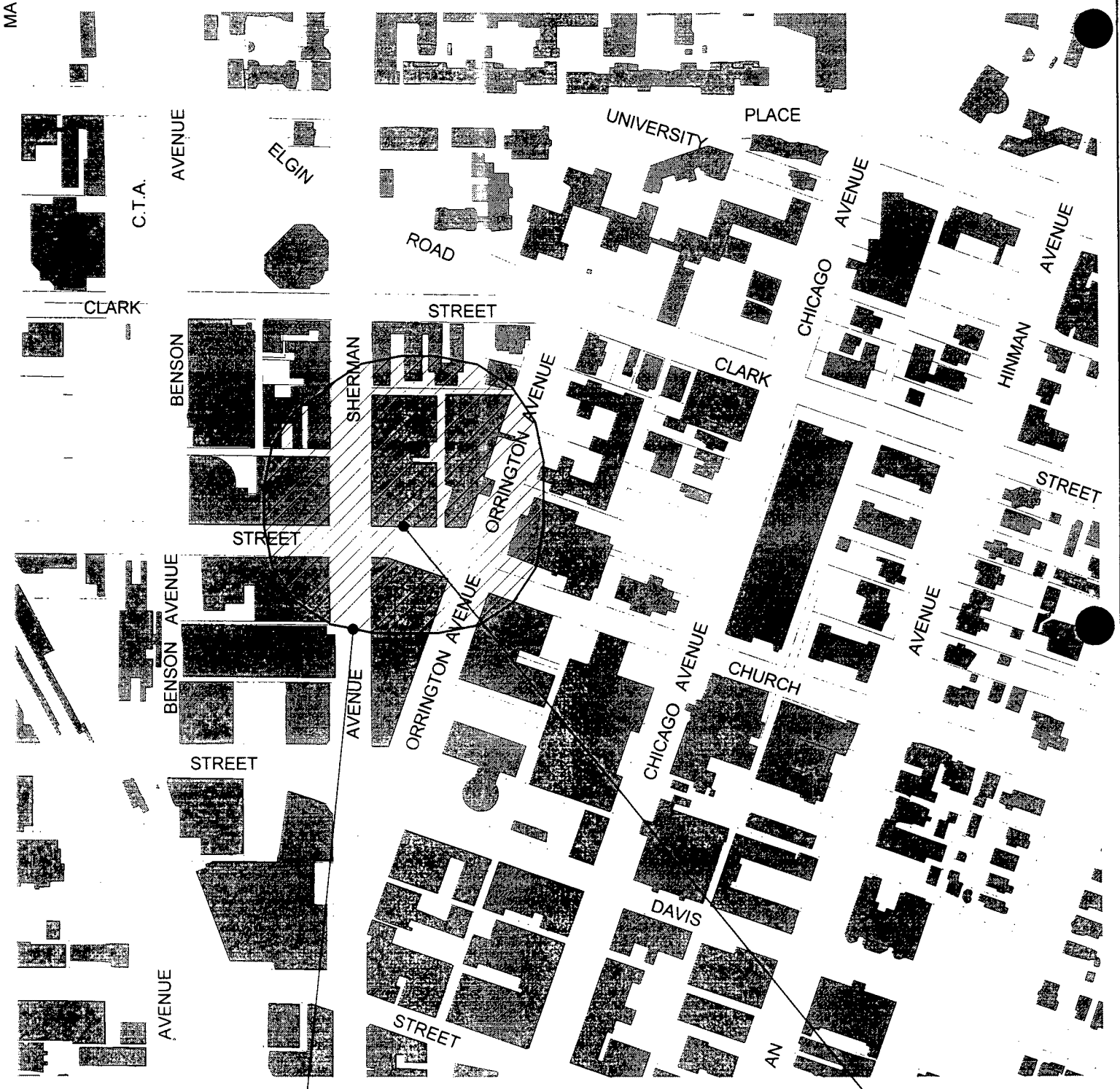
Easement for passageway over, upon and across the South 5 feet of the North 65 feet of the West 50 feet of Lot 6 in Block 16 of said Original Village, now City of Evanston.

| | | |
|-------------------------|--------------------|------------|
| Permanent Index Number: | 11-18-127-003 | Volume: 57 |
| | (Affects Parcel 2) | |
| | 11-18-127-004 | |
| | (Affects Parcel 1) | |

EXHIBIT B to ORDINANCE #123-O-99

Litter Collection Area for 711 Church Street

(Within 250 Feet of Subject Property, Including Adjacent Right-of-Way)



Litter Collection Area

Subject Property

**City of Evanston
October 1, 1999**

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

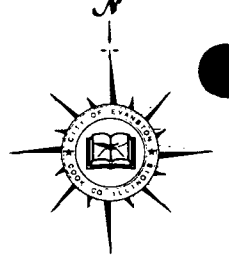


EXHIBIT C TO ORDINANCE # 123-0-99

**711 Church Street
Evanston, Illinois 60201**

**City of Evanston
Special Use Application of Chipotle Mexican Grill**

Litter Control Plan

In the interest of maintaining the character and cleanliness of the area surrounding Chipotle Mexican Grill's proposed location, we agree to the following:

- Survey the areas immediately surrounding the restaurant for garbage or other debris at least three times per day.
- Place appropriate containers at or near the exits of the restaurant so that garbage from the restaurant is not strewn about as customers exit.
- Maintain any proposed patio area in a clean, tidy, and debris-free manner.

Consistent with Chipotle Mexican Grill's overall philosophy, we will strive to maintain a first-class restaurant in a first-class neighborhood. Litter control is an integral aspect of this philosophy.

**711 Church Street
Evanston, Illinois 60201**

**City of Evanston
Special Use Application of Chipotle Mexican Grill**

Employee Parking Control Plan

In the interest of limiting parking congestion in the area surrounding Chipotle Mexican Grill's proposed location, we agree to the following:

- Employees will be encouraged to either carpool or take public transportation.
- Employees driving to work will be directed to use the Public Parking garage located 1.5 blocks west of the restaurant (on the corner of Church & Chicago).
- Employees will be instructed that at no time during their shift will they be permitted to park on the street within a metered parking zone.

In addition to the above, Chipotle Mexican Grill looks forward to the opportunity to hire many of its employees from within the local community in Evanston. As a result, a portion of our employees will be able to walk to work.