

14-O-00

AN ORDINANCE

Granting a Special Use for a Type 2 Restaurant
At 630 Davis Street

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on January 18, 2000 in case no. ZBA 00-4-SU(R), pursuant to proper notice, on the application of Michael Connolly, President of Heartland Juice Co., for Jamba Juice, prospective lessee, for a special use pursuant to section 6-11-3-4 of the Zoning Ordinance ("Ordinance") to allow a Type 2 Restaurant at 630 Davis Street within the 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 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; and

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 no. ZBA 00-4-SU (R) and grants said special use on the 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 THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, COMMONLY KNOWN AS 630 Davis STREET, EVANSTON, ILLINOIS.

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

- a. Development, use, and operation of the Type 2 restaurant 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.
- b. The grant of zoning relief is subject to compliance with all applicable provisions of the Zoning Ordinance and all other applicable legislation, including, but not limited to, Title 8, Health and Sanitation, of the City Code, as it may be amended from time to time.
- c. 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, and including within the litter collection plan area all parts of Fountain Square, as shown on Attachment 1, made a part hereof, for litter originating from any source, and shall keep such area free of all litter, including, but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans and all other waste materials of any type emanating from any source.
- d. The operator of the facility shall secure the maximum number of waste receptacles and the maximum number of scavenger service pickups necessary to assure that at no time will the subject property lack sufficient waste receptacle capacity to contain the waste generated by or present on the subject use prior to the next scavenger service pickup. The operator of the subject use shall at all times maintain all waste-compliant receptacles on the subject use in good condition, with tight-fitting lids, and shall keep said receptacles on well-maintained surfaces which meet applicable City Code requirements. At no time shall the operator of the subject use allow the volume of waste placed in a waste receptacle to exceed the capacity of the receptacle so that the lid of the receptacle is not secure. The operator shall assure that all waste is contained in City Code-complaint receptacles, and only therein. At no time shall the operator of the subject use allow litter to be placed in or around any said receptacle in a manner that would allow the litter to accumulate outside thereof.

- e 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 of the Type 2 Restaurant and the operator's employees to park at an off-street parking facility in the downtown area.
- f 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 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: February 14, 2000

Adopted: February 28, 2000

Approved: March 2, 2000

Lorraine H. Morton
Mayor

ATTEST:

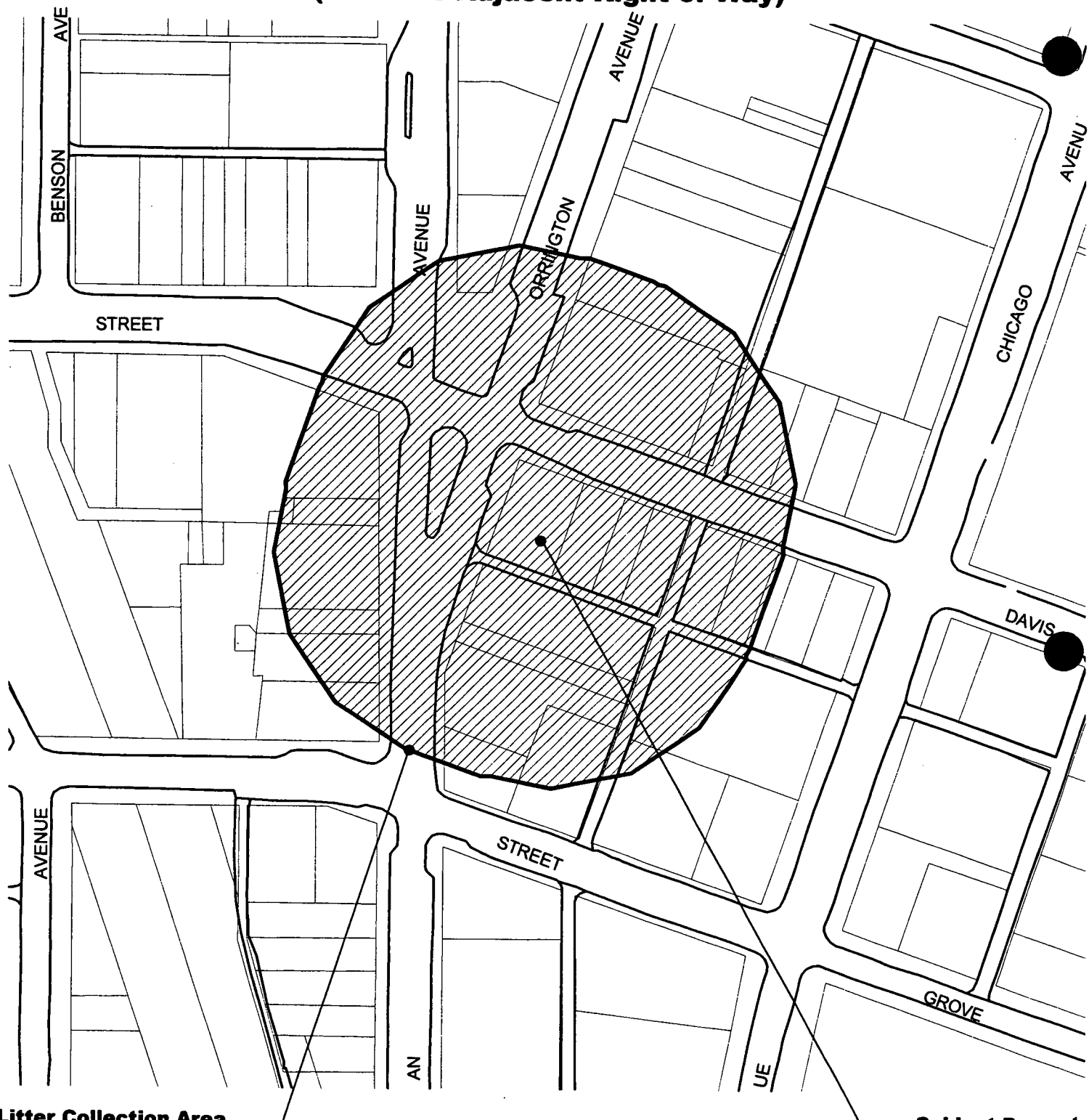
Mary J. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

ATTACHMENT #1 to ORDINANCE 14-O-00

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



Litter Collection Area

Subject Property

**City of Evanston
January 27, 2000**

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

