

09/20/00

**110-O-00**

**AN ORDINANCE**

**Granting a Special Use for a  
Type 2 Restaurant at 2209 Oakton Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on September 5, 2000, pursuant to proper notice in case no. ZBA 00-27-SU(R) on the application of Matthew Anderson of Joseph A. Schudt and Associates, as agent for the contract purchaser, Steak 'n Shake, Inc., for a special use to allow use of the premises at 2209 Oakton Street ("subject property") as a type 2 restaurant with a drive-through facility, placed by the 1993 Zoning Ordinance in the I1/oRD Industrial/Office District and Redevelopment Overlay District;

WHEREAS, the subject property is subject to a Redevelopment Agreement dated August 9, 1994 between the City of Evanston and Home Depot, U.S.A., Inc.; and

WHEREAS, said Redevelopment Agreement provided for applicability to the subject property of the City's 1960 Zoning Ordinance, Ordinance 41-O-60, as recodified by Ordinance 96-O-78, and thereafter further amended, Title 6 of the City Code ("1960 Zoning Ordinance"); and

WHEREAS, the 1960 Zoning Ordinance placed the subject property in the M4 General Manufacturing District and classified the proposed use as a special use because of the drive-through facility; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made written findings pursuant to section 6-12-7 and section 6-12-10 of the 1960 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 at its September 25, 2000 meeting and recommended City Council approval of the special use, 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 aforescribed case no. ZBA 00-27-SU(R) and grants said special use on property legally described as follows:

LOT 4 IN HOME DEPOT SUBDIVISION EVANSTON, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED THEREOF DECEMBER 24, 1997 AS DOCUMENT NO. 97969559, IN COOK COUNTY, ILLINOIS.

**SECTION 2:** That pursuant to section 6-12-7(D) of the 1960 Zoning Ordinance, which provided that the City Council may impose conditions on the grant of special uses, these conditions are hereby imposed:

- a. The grant of special use authorizes a type 2 restaurant located in a one-story structure, with a drive-through facility.

- b. Development, use, and operation of the type 2 restaurant, including the drive-through facility, shall be in substantial compliance with the testimony presented by the applicant, documents placed on file by the applicant, and approved plans, all in connection with this case.
- c. 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 amended.
- d. The litter collection plan shall be implemented and maintained as described in the letter regarding "Proposed Litter Plan" from Thomas A. Simpson, Illinois Division Manager of Steak 'n Shake, Inc. to Matt Anderson, dated August 23, 2000, attached hereto as Attachment 1 and made a part hereof, except that the obligations agreed to in said plan shall extend to the area within five hundred (500) feet of the subject property, which shall be kept free of all litter, including but not limited to, food, beverages, napkins, straws, containers, bags, utensils, plates, cups, bottles, cans, and all other litter of any type emanating from any source. This Ordinance shall prevail over any inconsistent or contrary provisions in the attached plan. "Litter" shall have the meaning in section 8-4-6-1 of the City Code of 1979, as amended, as it may be further amended.
- e. Litter receptacles and scavenger service pickups shall be provided in numbers and frequency, respectively, to ensure that at no time will the subject property lack sufficient litter receptacle capacity to contain litter present on the subject property between pickups. All litter receptacles at all times shall be maintained in good condition and with tight-fitting lids and shall be kept on surfaces that meet applicable City Code requirements. Litter shall not be stored or allowed to accumulate on the subject property except in accordance with applicable City Code requirements.

- 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 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 upon passage and approval and publication in the manner provided by law.

Introduced: September 25, 2000

Adopted: October 10, 2000

Approved: October 12, 2000

Lynne H. Norton  
Mayor

ATTEST:

Mary D. Harris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

ATTACHMENT 1



**Steak n Shake, Inc.**

1704 West Washington  
Street  
Bloomington, Illinois  
61701  
(309) 827-  
8411  
FAX (309) 827-0142

August 23, 2000

City of Evanston  
Attn: Matt Anderson  
Community Development Department, Zoning Division  
Civic Center  
2100 Ridge Avenue, Room 3700  
Evanston, IL 60201-2798

*Re: Proposed Litter Plan*

Dear Mr. Anderson,

This letter is in response to your recent request that we provide you with a Litter Plan for the Steak n Shake restaurant we would like to locate in the city of Evanston.

Steak n Shake has built its reputation on quality, cleanliness, and service. We will continue to meet the high standards set by our company and expected from our guest.

Our Litter plan will be as follows:

1. We will pick up around the outside of our facility three times a day. This will include any Steak n Shake paper located on adjacent lots.
2. We will place trash containers outside the front entrance for our guest to throw away any excess trash.
3. Our dumpsters will be enclosed and the dumpster area will be maintained and cleaned daily.
4. We have a trash container on wheels that we use to remove trash from the inside of our facility to the dumpsters. This helps us maintain the cleanliness of our facility inside and out.
5. We will have our trash picked up five times per week initially; as business decreases we will decrease the number of pickups. The minimum number of pickups per week will be no less than three.

We want to be a part of the Evanston community. We have always gotten along very well with our neighbors. We are very receptive to suggestions for improvement. Thank you in advance for the opportunity to locate a Steak n Shake in Evanston.

Sincerely,

Thomas A. Simpson  
Illinois Division Manager

