

07/02/2001

85-O-01

**AN ORDINANCE**

**Granting a Special Use to Allow  
Expansion of a Type 2 Restaurant at  
1700 Sherman Avenue**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on June 19, 2001, pursuant to proper notice in case no. ZBA 01-21-SU (R) on the application of Ronald M. Shaich, Chairman and Chief Executive Officer of Panera, Inc., Lessee, with permission from Robert Horner, manager of Evanston Galleria Investors, LLC, property owner, for a special use pursuant to Section 6-11-3-4 of the Zoning Ordinance to allow expansion of the type 2 restaurant at 1700 Sherman Avenue ("subject property") into the property abutting to the west, within the D2 Downtown Retail Core District; and

WHEREAS, Ordinance 35-O-95 granted a special use for a type 2 restaurant at 1700 Sherman Avenue; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the application met the standards for special uses, and recommended approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's findings and recommendation at its July 9, 2001 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered the record and the Planning and Development Committee's recommendation at its July 9, 2001 and July 23, 2001 meetings,

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 ZBA and the Planning and Development Committee in the aforescribed case no. ZBA 01-21-SU (R) and grants said special use within the leasehold area as depicted on the Construction Floor Plan last dated March 1, 2001, made a part of the ZBA's record, and located at the southeast corner of the property legally described as follows:

LOTS 7, 8, 9, 10, 11, 12 AND 13 IN THE RESUBDIVISION OF BLOCK 17 IN EVANSTON IN THE NORTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM) THAT PORTION OF LOTS 7 TO 11 AFORESAID (TAKEN AS ONE TRACT) IN THE RESUBDIVISION OF BLOCK 17 IN EVANSTON, DESCRIBED AS FOLLOWS TO WIT: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7, THENCE RUNNING SOUTH ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 80.00 FEET, THENCE RUNNING WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 35.00 FEET, THENCE SOUTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF 5.00 FEET, THENCE RUNNING WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOTS 7 TO 11, A DISTANCE OF 185.00 FEET, THENCE RUNNING NORTH ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID LOT 7, A DISTANCE OF 85.00 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 11, BEING 220.00 FEET FROM THE NORTHEAST CORNER OF SAID LOT 7, THENCE EAST ALONG THE NORTH LINE OF SAID LOTS 7 TO 11 TO THE PLACE BEGINNING, IN COOK COUNTY, ILLINOIS.

**SECTION 2:** Pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions and limitations on the grant of a special use, these conditions and limitations are hereby imposed:

- a. The special use granted hereby shall be subject to compliance with all applicable provisions of the Zoning Ordinance and other applicable laws;
- b. The approval is subject to construction and use of the development being in substantial compliance with representations of the applicant and documents placed on file in connection with the case;
- c. The operator of the type 2 restaurant shall submit to the Zoning Division and maintain compliance with a written Litter Collection Plan, requiring the policing of an area within 250 feet of the leasehold area as depicted on the aforescribed Construction Floor Plan last dated March 1, 2001 at least once every three hours the restaurant is open for litter originating anywhere. This area shall be kept free of 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. Said Litter Collection Plan shall supercede that Litter Collection Plan mandated by Ordinance 35-O-95. For purposes of this Ordinance, "litter" shall be as defined in Section 8-4-6 of the City Code, as it may hereafter be amended;
- d. Employees of the type 2 restaurant are prohibited from parking at metered on-street parking spaces located along either side of Church Street or Sherman Avenue; and
- e. At the City's sole option, violation of the conditions of this Ordinance 85-O-01 shall terminate the special use.

**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 9, 2001

Adopted: July 23, 2001

Approved:

July 24, 2001  
Lorraine H. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:

[Signature]  
Asst. Corporation Counsel