

61-O-02

**AN ORDINANCE**

**Granting a Special Use to Allow a  
Type 2 Restaurant at 506 Main Street**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") held a public hearing on May 7, 2002 pursuant to proper notice in case no. ZBA 02-29-SU (R) on the application of James Fraser of Warren Johnson Architects, Inc., agent for Moaiz Verani, sublessee, with written permission from Subway Real Estate Corporation, lessee, and from Evanshire Properties, LLC, property owner, for a special use for a Type 2 Restaurant, pursuant to Section 6-9-4-3 of the Zoning Ordinance to allow a Type 2 restaurant at 506 Main Street, within the B3 Business District; and

**WHEREAS**, the ZBA, after hearing testimony, receiving other evidence, and making a written record thereof, made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance and recommended City Council approval of the application; and

**WHEREAS**, the Planning and Development Committee considered the record and recommendation of the ZBA at its June 10, 2002 meeting and recommended City Council approval of the application; and

**WHEREAS**, the City Council considered this Ordinance 61-O-02 at its June 10, 2002 and June 24, 2002 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 recommendation of the Planning and Development Committee in the aforescribed case no. ZBA 02-29-SU (R) and grants said special use to operate a Type 2 Restaurant on property commonly known as 506 Main Street and legally described in Exhibit 1, attached hereto and made a part hereof.

**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, the following conditions and limitations are hereby imposed. When necessary to effectuate the conditions imposed on the subject property by this Ordinance 61-O-02, "applicant" shall be read as "owner," "applicant's successor's in interest" and/or "operator of the use".

- 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 operation of the use in substantial compliance with representations of the Applicant, documents placed on file in connection with this case by the Applicant, and the plans, as approved by the City.
- c. 1) The operator shall adhere to the Litter Collection Plan, requiring the policing of an area located within a 250-foot radius of the building in which the use is located. This area shall be policed once every three hours during the hours the use is in operation and 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.

2) Litter pick-up shall be a minimum of three times per week, one pick-up of which shall be on Sunday.

3) The use shall at all times be served by one dumpster dedicated to the use, of sufficient capacity to hold under a closed lid all litter generated between the required three pickups.

4) For the purpose of this Ordinance, "litter" shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish, ashes, street cleanings, abandoned automobiles, solid business, commercial, and industrial wastes, paper, wrappings, cigarettes, cardboard, tin cans, glass, bedding, crockery and similar materials; and all other waste materials which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

- d. The subject use shall not utilize for the disposal of litter generated in the production of any product for sale by said type 2 restaurant, any litter receptacles owned and or maintained by the City or any not-for-profit agency, which the City or said not-for-profit agency maintains for the purpose of collecting litter generated by the public.
- e. Prior to issuance of a Certificate of Occupancy, the applicant shall submit to the Zoning Division of the City and receive approval of a plan providing for off-street parking by employees of the use.
- f. No deliveries shall be made to the subject type 2 restaurant on any day prior to 9 A.M.
- g. This grant of special use shall be limited to a type 2 restaurant operated by the Subway Corporation.

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

(Continued on following page)

**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: June 10, 2002

Adopted: June 24, 2002

Approved: June 27, 2002  
Garbin A. Norton  
Mayor

ATTEST:

Mary P. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

# EXHIBIT 1 TO ORDINANCE 61-O-02

## PARCEL 1:

LOT 23 (EXCEPT THE SOUTHERLY 4.46 FEET OF SAID LOT 23) IN THE RESUBDIVISION OF THE EAST 1/2 OF BLOCK 11 AND THE WEST 1/2 OF BLOCK 18 IN WHITE'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE SOUTH EAST 1/4 OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 13, 1873 IN BOOK 6 OF PLATS, PAGE 68 IN COOK COUNTY, ILLINOIS

## PARCEL 2:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AFORESAID AS CREATED BY THE DEED MADE BY FRANK LAMBERT WHITE, FREDERICK DONALD BIRD, DONALD O. WHITE AND HENRY A. WHITE AS TRUSTEES UNDER TRUST INDENTURE DATED NOVEMBER 18, 1929 AND RECORDED FEBRUARY 28, 1946 AS DOCUMENT 1372083 OVER THE SOUTH 4.46 FEET OF LOT 23 IN THE RESUBDIVISION AFORESAID (EXCEPTING THEREFROM THOSE PARTS THEREOF NOW OCCUPIED BY A THREE STORY BRICK BUILDING AND APPURTENANCES THERETO) FOR THE PURPOSE OF MAINTAINING A CORNICE OVERHANGING SAID PREMISES, THE RIGHT OF THE INGRESS AND EGRESS, AND AN EASEMENT FOR LIGHT, AIR AND DRAINAGE

