

06/03/2002

**62-O-02**

**AN ORDINANCE**

**Granting a Special Use to Allow a  
Type 2 Restaurant at 812 Davis Street**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") held public hearings on May 7, 2002 and May 21, 2002 pursuant to proper notice in case no. ZBA 02-27-SU (R) on the application of Lawrence Castle and Robert Castle of Castle Enterprises, Inc., d/b/a Quizno's Classic Subs, property owner, for a special use for a Type 2 Restaurant, pursuant to Section 6-11-4-3 of the Zoning Ordinance to allow a Type 2 restaurant at 812 Davis Street, within the D3 Downtown Core Development District; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, 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 62-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 aforementioned case no. ZBA 02-27-SU (R) and grants said special

use to operate a Type 2 Restaurant on property commonly known as 812 Davis Street and legally described in Exhibit A 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 62-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 testimony 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 a 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 no fewer than 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. The operator of the Type 2 restaurant shall comply with the Litter Collection Plan. This Ordinance shall prevail over any inconsistent or contrary provisions in the Plan.
  - 2) 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.

**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: June 10, 2002

Adopted: June 24, 2002

Approved: June 25, 2002

Shiraine H. Norton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

# **EXHIBIT A TO ORDINANCE 62-0-02**

PARCEL 1: Unit 812 Davis in Optima Towers Evanston Commercial Condominium, as delineated on the survey of certain lots or parts thereof in Consolidation of part of Block 64 in the Village of Evanston, in the Southwest 1/4 of Section 18, Township 41 North, Range 14, East of the Third Principal Meridian, which survey is attached as Exhibit "F" to the Declaration of Condominium recorded March 7, 2002 as document no. 0020263493, in Cook County, Illinois together with an undivided interest in the common elements appurtenant to said unit, as set forth in said Declaration.

PARCEL 2: Easement for ingress and egress as set forth and defined in the Operating Agreement and Declaration of Covenants, Conditions, Restrictions and Easements for Optima Towers Evanston recorded March 7, 2002 as document no. 20263492.