

09/18/2002
11/06/2002

90-O-02

AN ORDINANCE

**Granting a Special Use to Allow a
Type 2 Restaurant at 2201 Oakton Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on August 20, 2002 pursuant to proper notice in case no. ZBA 02-47-SU (R) on the application of John Stumbaugh of Kostus Architects Ltd. with written permission of the owner, The Home Depot, for a special use for a Type 2 Restaurant to allow a Type 2 Restaurant at 2201 Oakton Street, ("subject property") within the IL/oRD Industrial Office District and Redevelopment Overlay District; and

WHEREAS, the subject property is subject to a Redevelopment Agreement entered into on August 9, 1994 between the City and Home Depot USA Inc.;

WHEREAS, Section 4D of the Redevelopment Agreement provides for applicability of the 1960 Zoning Ordinance to the subject property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, making a written record thereof, made written findings pursuant to Section 6-8-4(C)(8) of the 1960 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 September 9, 2002 and September 23, 2002 meetings and recommended City Council approval of the application with amendments made by the Committee; and

WHEREAS, the City Council considered this Ordinance 90-O-02 at its September 9, 2002 and September 23, 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 02-47-SU (R) and grants said special use to operate a Type 2 Restaurant on property commonly known as 2201 Oakton Street and legally described as follows:

LOT 1 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: Pursuant to Section 6-12-7(D) of the 1960 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 90-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 or regulations.

- b. The approval is subject to construction and operation of the use in substantial compliance with testimony and 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 submit to the Zoning Division and 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. 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.
- d. Cart collection areas with litter receptacles shall be provided and maintained throughout the parking area on the subject property. Said receptacles shall be maintained in good condition and shall be emptied as often as needed to prevent the overflow of litter each day when any retail use on the subject property is open for business.
- e. The cooking and heating of food in the subject Type 2 Restaurant is limited to devices such as convection ovens, steam tables, microwave ovens and other devices which produce minimal or non-existent cooking odor. The use of fryers and grills is prohibited.

- 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 for 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: September 9, 2002

Adopted: September 23, 2002

Approved: November 7, 2002

Romaine H. Norton
Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:

[Signature]
A&A Corporation Counsel