

111-O-03

AN ORDINANCE

**Granting a Special Use for a Type 2
Restaurant at 3330 Central Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on October 21, 2003, November 4, 2003, and November 18, 2003 pursuant to proper notice in case no. ZBA 03-65-SU (R) to consider an application for a special use to operate a Type 2 Restaurant and Drive-Through Facility pursuant to Section 6-10-4-3 of the Zoning Ordinance from Douglas A. Bean, agent, on behalf of Gendell Partners Evanston, LLC, owner of the subject property at 3330 Central Street in a C2 Commercial District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, and made a written record and written findings that the application for the Type 2 Restaurant and Drive-Through Facility met the standards for special uses in Section 6-3-5 and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation at its November 18, 2003 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered the respective records and recommendations of the ZBA and the Planning and Development Committee at its December 15, 2003 and January 12, 2004 meetings, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings,

and recommendation, and hereby approves the special use applied for in case no. ZBA 03-65-SU (R), on property legally described in Exhibit A attached hereto and made a part hereof, commonly known as 3330 Central Street, Evanston, Illinois.

SECTION 3: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed. When necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator".

- A. Development and use of the subject property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the applicant to the ZBA, Planning and Development Committee, and City Council, and with the approved plans and documents on file in this case.
- B.
 - 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 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) 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.

C. A Certificate of Occupancy shall not be issued without the construction of a sound and visual barrier no less than 6.5 feet in height, as measured from grade, along the east property line of the subject property. Said barrier shall be constructed pursuant to the Fence and Landscape Agreement dated January 12, 2004 signed by Douglas A. Bean, Vice President of Terraco, Inc., as developer for, and on behalf of, Gendell Partners Evanston LLC, owner, and the three pages of screening fence design plans dated January 6, 2004 prepared by Otis, Koglin, Wilson, project no. 03099, all in Exhibit B attached hereto and made a part hereof, and pursuant to all applicable permits obtained in advance and shall be maintained in a Code-compliant manner.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: December 15, 2003

Adopted: January 12, 2004

Approved:

January 13, 2004
Laurence H. Morston
Mayor

ATTEST:

Mary Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

TERRACO, INC.

COMMERCIAL REAL ESTATE SERVICES

January 12, 2004

HAND DELIVERED

Arlova Jackson, Zoning Planner
City of Evanston
Civic Center, 2100 Ridge Avenue
Evanston, Illinois 60201-2798

Re: Fence & Landscape Agreement with Kaye Family
3301 Central Street – Proposed Starbucks & Retail
Evanston, IL

Dear Ms. Jackson:

Responding to your request for specific language outlining our agreement with the Kaye Family for fencing and landscaping to be installed as a barrier between our properties, we submit the following:

1. Fencing: There shall be a fence constructed along the eastern border of the commercial property to provide a barrier between the commercial property and the residential property. The fence shall be six feet, six inches tall and shall be constructed of solid wood, with no gaps between planks, (except for that portion of the fence that shall be constructed of masonry). The fence shall begin at the southern boundary of the commercial property, to be located six feet west of the property line between the commercial and residential properties, and shall run north to a point that is twenty-one feet, two inches south of the northern property line of the commercial property. The total length of the new fence, including the masonry portion, shall be ninety six feet, zero inches. A portion of this fence will be constructed of masonry. The masonry section is intended to be located between the drive thru window of the Starbucks Coffee store and the bedroom window of the residential property to the east. The masonry portion of the fence will begin forty feet, zero inches from the south property line, and will be five feet, zero inches wide by six foot, six inches tall.
2. Landscaping: A line of evergreens shall be planted which shall run parallel with and lie between the property lines and the new fence. The evergreens shall be a species commonly called Techny Arborvitae, they shall each be at least six feet tall, and they shall be planted at four feet, zero inches on center. The line of evergreens will run a length that is equal to the new fence, or ninety six feet, zero inches. There will twenty-nine Techny Arborvitae installed.
3. All trees and fencing will be constructed or installed on the commercial property and will be maintained and replaced as needed by the owner of the commercial property.

We have submitted together with this writing a set of plans showing the fencing location on the site plan, the fencing and landscaping locations on the landscape plan, and a elevation plan depicting these improvements as send from the neighboring residential property.

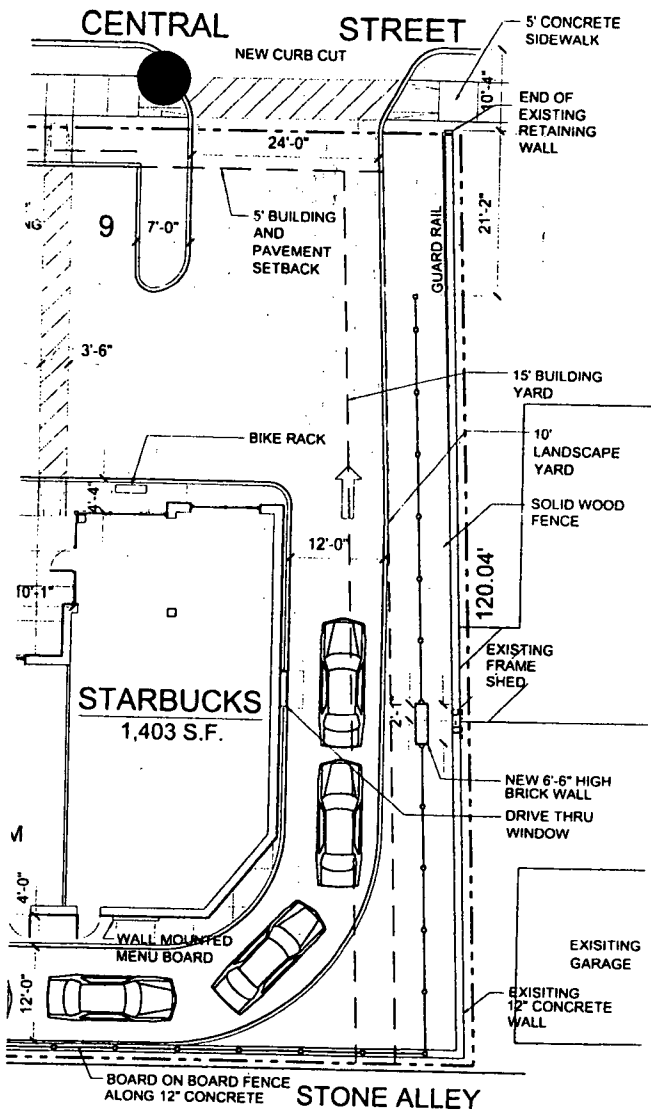
Should you have any questions regarding this matter, please contact me immediately at (847) 542-0289.

Sincerely,



Douglas A. Bean
Vice President
Terraco, Inc.

Enc.: 1 Set Plans
1 Letter of Agreement



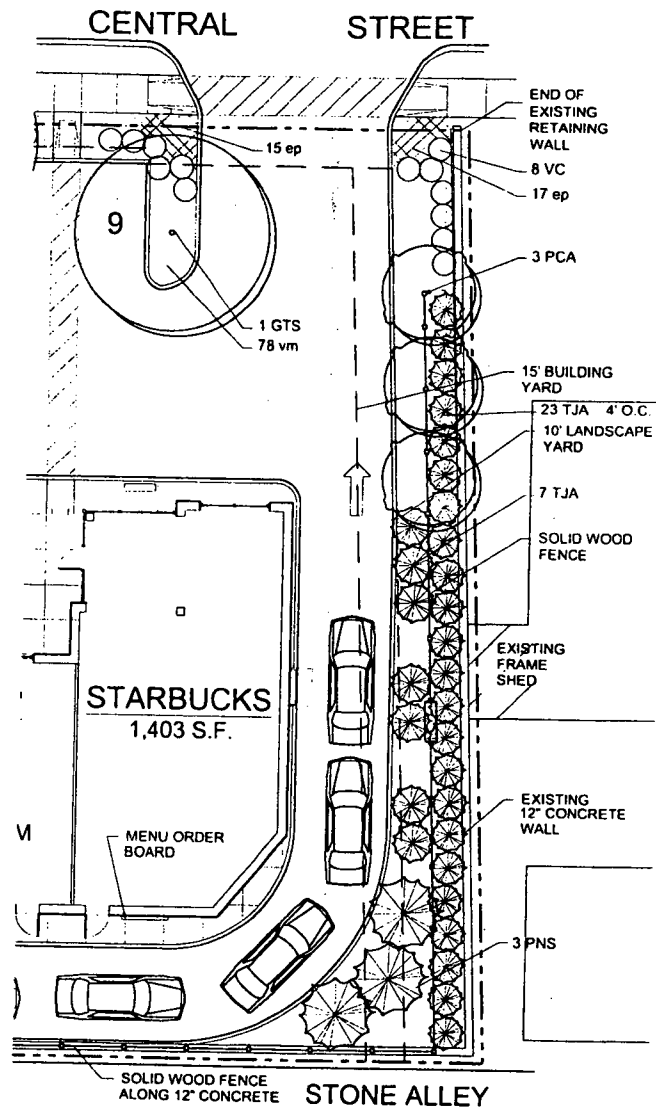
PARTIAL SITE PLAN

SCALE: 1/16" = 1'-0"

SCREENING FENCE DESIGN
CENTRAL AND CRAWFORD RETAIL

EVANSTON, ILLINOIS

TERRACO, INC



PARTIAL LANDSCAPING PLAN

SCALE: 1/16" = 1'-0"



Otis Koglin Wilson
Architects

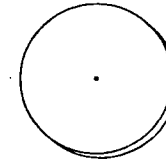
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PROJECT NUMBER: 03099

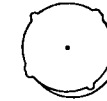
PLANT LIST

QUANT.	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE
SHADE TREES				
4				
3	ACR	ACRE RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	3.0" BB
1	GTS	GLEDITSIA TRIACANTHOS X INERMIS 'SKYLINE'	SKYLINE HONEYLOCUST	3.0" BB
EVERGREEN TREES				
10				
3	PNS	PINUS STROBUS	WHITE PINE	8' HT. BB
20	TJA	THUJA OCCIDENTALIS 'TECHNY'	TECHNY ARBORVITAE	6' HT. BB
ORNAMENTAL TREES				
3	PCA	PYRUS CALLERYANA 'ARISTOCRAT'	ARISTOCRAT CALLERY PEAR	1.5"BB
EVERGREEN SHRUBS				
4	TS	THUJA OCCIDENTALIS 'SMARAGD'	ARBORVITAE	24" BB
DECIDUOUS SHRUBS				
57				
32	VC	VIBURNUM CARLESII 'COMPACTUM'	DWARF KOREANSPICE VIBURNUM	36" BB
18	SJ	SPIREA JAPONICA 'LITTLE PRINCESS'	LITTLE PRINCESS SPIREA	36" BB
4	SY	SYRINGA VULGARIS	DWARF KOREAN LILAC	36" BB
GROUNDCOVER				
521				
521	vm	VINCA MINOR 'BOWLES'	PERIWINKLE	3" POTS
GRASSES & PERENNIALS				
104				
32	ep	ECHINACEA PURPUREA 'MAGNUS'	PURPLE CONEFLOWER	18" o.c.
23	gs	GERANIUM SANGUINEUM	BLOODY CRANE'S BILL GERANIUM	12" o.c.
49	hs	HERMEROCALLIS 'HAPPY RETURNS'	HAPPY RETURNS DAYLILY	18" o.c.

LEGEND



SHADE TREE



ORNAMENTAL TREE



EVERGREEN TREE/
EVERGREEN SHRUB



5' DECIDUOUS SHRUB



3' DECIDUOUS SHRUB

SCREENING FENCE DESIGN
CENTRAL AND CRAWFORD RETAIL
EVANSTON, ILLINOIS

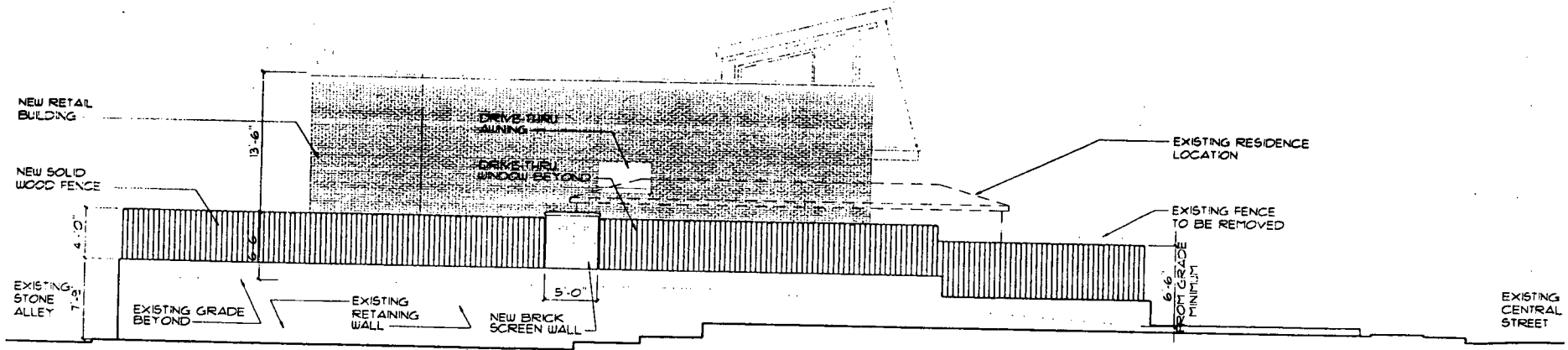
TERRACO, INC



Otis Koglin Wilson
Architects

DATE 01.06.04

PROJECT NUMBER 03099



EAST ELEVATION

SCALE: 1" = 10'-0"

SCREENING FENCE DESIGN
 CENTRAL AND CRAWFORD RETAIL
 EVANSTON, ILLINOIS

TERRACO, INC



Otis Koglin Wilson
 Architects

DATE: 01 06 04

PROJECT NUMBER: 03099