

12/22/2004

**1-O-05**

**AN ORDINANCE**

**Granting a Special Use for a  
Type 2 Restaurant at 2400 Main Street**

**WHEREAS**, the Zoning Board Appeals ("ZBA") met on December 7, 2004 pursuant to proper notice in case number ZBA 04-55-SU (R) to consider an application for a special use to operate a Type 2 Restaurant pursuant to Section 6-10-2-3 of the Zoning Ordinance filed by Rick Lauer as agent from Starbucks Coffee Company, with written permission from Kap-Sum Properties, LLC, property owner of the subject property at 2400 Main Street in a C1 Commercial District; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a verbatim record and written findings that the application for the Type 2 Restaurant 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 January 10, 2005 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 January 10, 2005 and January 24, 2005 meetings, and adopted same at its January 24, 2005 meeting,

**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 records, findings, and recommendations of the ZBA and the Planning and Development Committee, and hereby approves the special use applied for in case number ZBA 04-55-SU (R) on property legally described in Exhibit A, attached hereto and made a part hereof.

**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" or "applicant's successors in interest".

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 the City Council, and with the approved plans and documents on file in this case.

B. 1) The owner shall adhere to a litter collection plan requiring the policing of an area located within a two hundred fifty-foot (250') 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. 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.

C. 1) Exterior litter receptacles shall be provided and maintained in sufficient number and type, and contain, with lids tightly shut, all litter emanating from operation of the use, and all litter collected pursuant to the litter collection plan. Litter collections must be monitored to assure that they are sufficient in number and scope to achieve and maintain compliance with applicable City Codes. Collections shall be a minimum of three (3) times a week, including collections on Sundays if the City determines that such are necessary to achieve and maintain said City Code compliance. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. Adequate space shall be provided and maintained at the rear of and on the subject property to accommodate the required litter receptacles and collections.

2) Within seven (7) days of written notice from the City to do so, the number of litter receptacles and/or the number of collections from each, shall be increased or modified in accordance with the City's directive.

**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: January 10, 2005

Adopted: January 24, 2005

Approved: January 25, 2005  
Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form: [Signature]  
Corporation Counsel

**EXHIBIT A****Parcel 1**

LOT 2 AND THE EAST 15.50 FEET OF THE NORTH 78.27 OF LOT 3 IN MAIN STREET COMMONS SUBDIVISION, BEING A SUBDIVISION IN THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MAIN STREET COMMONS SUBDIVISION RECORDED MARCH 15, 1993 AS DOCUMENT NUMBER 93193388, IN COOK COUNTY, ILLINOIS.

**Parcel 2**

THAT PART OF LOT 2 IN GENERAL DYNAMICS-EVANSTON INDUSTRIAL PARK (RECORDED MAY 16, 1969 IN BOOK 791 ON PAGES 47 AND 48 AS DOCUMENT 20843500) DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH EAST CORNER OF SAID LOT 2; THENCE DUE WEST, 622.56 FEET ON THE NORTH LINE OF SAID LOT 2 TO A POINT 14.02 FEET DUE EAST OF THE NORTH WEST CORNER OF SAID LOT 2; THENCE SOUTH 02 DEGREES, 31 MINUTES, 35 SECONDS WEST, 655.00 FEET ON A LINE PARALLEL WITH THE WEST LINE OF SAID LOT 2; THENCE SOUTH 87 DEGREES, 28 MINUTES, 35 SECONDS EAST AT RIGHT ANGLES TO THE WEST LINE OF SAID LOT 2, A DISTANCE OF 255.00 FEET; THENCE NORTH 02 DEGREES, 31 MINUTES, 25 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID LOT 2, A DISTANCE OF 153.87 FEET; THENCE SOUTH 87 DEGREE, 28 MINUTES, 35 SECONDS EAST AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, 318.96 FEET, MORE OR LESS, TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 2, SAID POINT BEING 887.96 FEET NORTHERLY OF THE SOUTH EAST CORNER OF SAID LOT 2 AS MEASURED ON SAID SOUTHEASTERLY LINE OF SAID LOT 2; THENCE NORTH 24 DEGREES, 30 MINUTES, 23 SECONDS EAST MEASURED (NORTH 24 DEGREES, 29 MINUTES, 53 SECONDS EAST RECORD), 112.61 FEET ON THE SOUTHEASTERLY LINE OF SAID LOT 2; THENCE NORTH 39 DEGREES, 06 MINUTES, 38 SECONDS EAST, 38.88 FEET MEASURED (NORTH 39 DEGREES, 03 MINUTES, 08 SECONDS EAST, 38.92 FEET RECORD), ON THE SOUTHEASTERLY LINE OF LOT 2 TO THE EAST LINE OF LOT 2, THENCE DUE NORTH 393.29 FEET MEASURED (393.39 FEET RECORD) ON THE EAST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING, AND ALL BEING SITUATED IN THE SOUTH WEST  $\frac{1}{4}$  OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN NUMBERS:                   10-24-300-026-0000;  
                                       10-24-300-053-0000;  
                                       10-24-300-054-0000;  
                                       10-24-300-056-0000

COMMONLY KNOWN AS:       2400 MAIN STREET, EVANSTON, ILLINOIS

