

5/31/2005

61-O-05

AN ORDINANCE

**Granting a Special Use for Three
Type 2 Restaurants at 2209 Howard Street**

WHEREAS, the Zoning Board Appeals ("ZBA") met on May 17, 2005 pursuant to proper notice in case number ZBA 05-24-SU(R) to consider an application for a special use to operate three Type 2 Restaurants pursuant to Section 6-10-2-3 of the Zoning Ordinance filed by Target Corporation, owner of the subject property at 2209 Howard 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 three Type 2 Restaurants 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 and adopted the ZBA's record, findings, and recommendation at its June 13, 2005 meeting and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and the Planning and Development Committee at its June 13, 2005 and June 27, 2005 meetings,

**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 respective 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 05-24-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, and 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, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case.

B. 1) The applicant 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: June 13, 2005

Adopted: June 27, 2005

Approved: June 28, 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**LEGAL DESCRIPTION FOR 2209 HOWARD STREET****PARCEL 1:**

LOT 6 IN HOWARD-HARTREY SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 1993, AS DOCUMENT NUMBER 93696916, IN COOK COUNTY, ILLINOIS (EXCLUDING THE IMPROVEMENTS LOCATED THEREON THE DATE OF ACQUISITION), AND EXCEPTING THEREFROM THAT PART OF SAID LOT 6 DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 7 IN HOWARD-HARTREY SUBDIVISION; THENCE WEST ALONG THE LINE BETWEEN SAID LOT 7 AND LOT 6 AFORESAID, A DISTANCE OF 22.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WEST ALONG SAID LINE BETWEEN LOT 7 AND LOT 6 A DISTANCE OF 60.11 FEET; THENCE NORTH ALONG A LINE FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED LINE, AS MEASURED CLOCKWISE FROM WEST TO NORTH, A DISTANCE OF 12.67 FEET; THENCE EAST ALONG A LINE DRAWN PARALLEL WITH AND 12.67 FEET NORTH FROM, THE AFOREMENTIONED LINE BETWEEN LOTS 7 AND 6 A DISTANCE OF 60.11 FEET; THENCE SOUTH ALONG A LINE FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED LINE, AS MEASURED COUNTER-CLOCKWISE FROM WEST TO SOUTH, A DISTANCE OF 12.67 FEET TO THE POINT OF BEGINNING.

AND FURTHER EXCEPTING FROM SAID LOT 6 THAT PART DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 6 AFORESAID; THENCE SOUTH ALONG A WEST LINE OF SAID LOT (BEING ALSO AN EAST LINE OF LOT 8 IN HOWARD-HARTREY SUBDIVISION AFORESAID), A DISTANCE OF 163.45 FEET TO THE NORTHWEST CORNER OF LOT 7 IN SAID SUBDIVISION; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 7, FORMING AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED LINE, AS MEASURED CLOCKWISE FROM NORTH TO EAST, A DISTANCE OF 35.00 FEET; THENCE NORTH ALONG A LINE DRAWN PARALLEL WITH AND 35.00 FEET EAST FROM THE AFOREMENTIONED WEST LINE OF LOT 6, A DISTANCE OF 163.53 FEET TO A POINT ON THE NORTH LINE OF SAID LOT; THENCE WEST ALONG SAID NORTH LINE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN UNDIVIDED 52 PERCENT INTEREST IN THE FOLLOWING DESCRIBED TRACT OF LAND, AS TENANTS IN COMMON WITH AMERICAN STORES PROPERTIES INC. AND BEST BUY Co., INC., PURSUANT TO THE TERMS AND CONDITIONS OF A CERTAIN CO-OWNERSHIP AGREEMENT DATED AUGUST 27, 1993, BETWEEN THE INSURED, AMERICAN STORES PROPERTIES INC., AND BEST BUY Co., INC.:

LOTS 1, 2, 4 AND 5 IN HOWARD-HARTREY SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 1993, AS DOCUMENT NUMBER 93696916, IN COOK COUNTY, ILLINOIS (EXCLUDING THE IMPROVEMENTS LOCATED THEREON ON THE DATE OF ACQUISITION).

PARCEL 3:

NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 FOR THE PASSAGE AND PARKING OF VEHICLES OVER AND ACROSS THE PARKING AND DRIVEWAY AREAS OF THE GRANTOR UNDER OPERATIONS AND EASEMENT AGREEMENT DATED AUGUST 27, 1993 AND RECORDED SEPTEMBER 3, 1993 AS DOCUMENT NUMBER 93705513, AS AMENDED BY A CERTAIN AMENDMENT TO OPERATION AND EASEMENT AGREEMENT DATED APRIL 5, 1994 AND RECORDED APRIL 7, 1994 AS DOCUMENT NUMBER 94314569, AS FURTHER AMENDED BY THAT CERTAIN SECOND AMENDMENT TO OPERATION AND EASEMENT AGREEMENT DATED DECEMBER 16, 1994 AND RECORDED DECEMBER 27, 1994 AS DOCUMENT NUMBER 04072477, AND AS FURTHER AMENDED BY THAT CERTAIN THIRD AMENDMENT TO OPERATION AND EASEMENT AGREEMENT DATED JULY 13, 1998 AND RECORDED FEBRUARY 14, 2000 AS DOCUMENT NUMBER 00108168.

