

1/14/2008  
12/28/2007

**4-0-08**

**AN ORDINANCE**

**Granting a Special Use  
for a Convenience Store at 510 Main Street  
in the C1a Commercial Mixed Use District  
("Main Street Pantry")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met, pursuant to proper notice, on December 4, 2007, and in case no. ZBA 07-40-SU(R) considered an application by Karim Kanji, lessee, with permission from Hinman IV, LLC, property owner of the subject property at 510 Main Street, located in the C1a Commercial Mixed Use District, for a Special Use for a Convenience Store pursuant to Section 6-10-3-3 of the Zoning Ordinance; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application met the standards for special uses in Section 6-3-5 of the Zoning Ordinance 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 14, 2008, meeting and recommended City Council approval thereof; and

**WHEREAS**, the City Council, at its January 14, 2008, meeting, considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee,

**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 07-40-SU(R), on property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 510 Main 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.

**A. Compliance with Applicable Requirements:**

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. Litter Collection Plan:**

- 1) The applicant shall implement and 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 (3) 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 convenience store 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.

**C. Litter Pick-Up Plan:**

- 1) The owner of the subject property, the operator, and/or applicant of the convenience store shall provide and maintain on the subject property exterior litter receptacles in sufficient number and type adequate, in the City's judgment, and with collections therefrom of sufficient frequency, also in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the use, and all litter collected pursuant to the Litter Collection Plan. Collections shall be a minimum of three (3) times a week, including collections on Sundays to the extent necessary, in the City's judgment, to comply with this condition. All litter receptacles shall be maintained in a clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces. The owner of the subject property shall provide adequate space at the rear of and on the subject property to accommodate the litter receptacles and collections required.
- 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.

**D. Penalty for Non-Compliance:**

Should the City determine that the Applicant has failed to comply with any of the terms of this Ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in the notice within five (5) days, the Applicant shall owe the City a fine in the amount of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant is not in full compliance. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay the total fine assessed within thirty (30) days after written notice from the City to do so. If the Applicant fails to pay the total amount of the fine within the thirty (30) days after written notice from the City to do so, the City may revoke the Special Use granted by this Ordinance.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this Ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

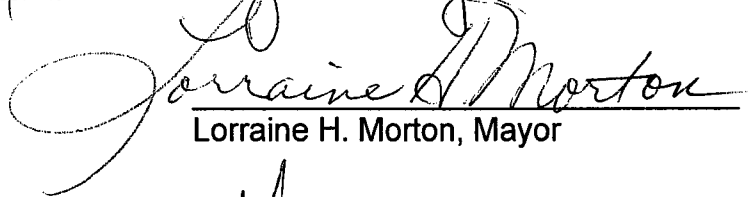
**SECTION 5:** That the Applicant shall record a certified copy of this Ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the construction or operation of the proposed Special Use hereby authorized.

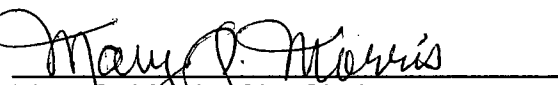
**SECTION 6:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

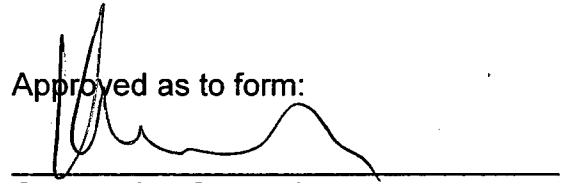
**SECTION 7:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** 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 14, 2008      Approved:  
Adopted: January 14, 2008      January 18, 2008

  
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Lorraine H. Morton, Mayor

Attest:  
  
\_\_\_\_\_  
Mary R. Morris, City Clerk

Approved as to form:  
  
\_\_\_\_\_  
Corporation Counsel

**EXHIBIT A**

**Legal Description of 510 Main Street**

**PARCEL 1:**

LOT 23 (EXCEPT THE SOUTHERLY 4.46 FEET OF SAID LOT 23) IN THE RESUBDIVISION OF THE EAST ½ OF BLOCK 11 AND THE WEST ½ OF BLOCK 10 IN WHITE'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHEAST ¼ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED NOVEMBER 13, 1873, IN BOOK 6, OF PLAT PAGE 64, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

EASEMENT FOR THE BENEFIT OF PARCEL 1 AS SET FORTH AND DEFINED IN DOCUMENT NUMBER 13730053 IN COOK COUNTY, ILLINOIS.