

**75-O-11**

**AN ORDINANCE**

**Granting a Special Use Permit for a Type 2 Restaurant  
Located at 1701 Sherman Avenue in the  
D2 Downtown Retail Core Zoning District  
("Pret A Manger")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on August 2, 2011, pursuant to proper notice, to consider case no. 11ZMJV-0054, an application filed, with permission from Evanston Realty Associates, owner of the property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 1701 Sherman Avenue (the "Subject Property") and located in the D2 Downtown Retail Core Zoning District, by Pret A Manger (the "Applicant"), contract lessee of the Subject Property, for a Special Use Permit to establish, pursuant to Subsection 6-11-3-4 of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"), a Type 2 Restaurant, "Pret A Manger," on the Subject Property; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a Type 2 Restaurant met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of September 12, 2011, the Planning and Development Committee of the City Council ("P&D Committee") considered and adopted the ZBA's record and findings and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of September 26, 2011, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

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

**SECTION 1:** That the foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That the City Council hereby approves the Special Use Permit for a Type 2 Restaurant on the Subject Property as applied for in case no. 11ZMJV-0054.

**SECTION 3:** That, pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use Permit, violation of any of which shall constitute grounds for revocation thereof pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Litter Collection Plan:** The Applicant shall implement and adhere to a Litter Collection Plan that requires the policing of an area located within a radius of two hundred fifty feet (250') of the Subject Property. The Applicant shall police this area at least once every three (3) hours during the hours the Special Use is in operation and shall keep it free of all litter, from any source. For the purpose of this ordinance, "litter" shall include, but is not limited to: food, food waste, and beverages; solid waste, including paper, wrappings, containers, cardboard, napkins, straws, utensils, plates, cans, glass, crockery, cigarette butts, ashes and similar materials; animal waste and dead animals; yard clippings and leaves; 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:** The Applicant and/or the owner of the Subject Property shall provide and maintain, on the Subject Property, exterior litter receptacles, in sufficient number and type, and with collections therefrom of sufficient number and frequency, in the City's judgment, to contain, with lids tightly shut, all litter emanating from operation of the Special Use authorized hereby. Litter shall be collected no less than three (3) times per week, including collections on Sundays as 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. Within seven (7) days of written notice from the City to do so, the Applicant and/or the owner of the Subject Property shall modify the number of litter receptacles and/or the number of collections therefrom, as directed by the City.
- D. Hours of Operation:** The Applicant shall not operate the Type 2 Restaurant authorized by the terms of this ordinance before 6:00 a.m. or after 10:00 p.m. on any day.
- E. Employee Parking:** When driving to work at the Type 2 Restaurant authorized by the terms of this ordinance, the Applicant and its employees shall park only in an off-street parking facility.

**SECTION 4:** That, 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, before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

**SECTION 6:** That 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 the findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 9:** 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 12, 2011

Approved:

Adopted: September 26, 2011

September 28, 2011

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A****LEGAL DESCRIPTION****PARCEL 1:**

THE SOUTH 150 FEET OF LOTS 5 AND 6, (TAKEN AS A TRACT), IN BLOCK 16 IN THE ORIGINAL VILLAGE, NOW THE CITY OF EVANSTON, EXCEPTING FROM SAID PREMISES THE WEST 50 FEET AND ALSO EXCEPT THE EAST 25 FEET OF THE WEST 75 FEET OF THE SOUTH 50 FEET OF THE NORTH 60 FEET OF SAID LOT 6, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

**PARCEL 1A:**

EASEMENT FOR THE BENEFIT OF PARCEL 1 AFORESAID FOR RIGHT OF WAY FOR INGRESS AND EGRESS IN, OVER AND UPON THE NORTH 10 FEET OF THE EAST 65 FEET OF LOT 6 AND THE SOUTH 2 FEET OF THE EAST 65 FEET OF LOT 7 IN BLOCK 16 IN THE ORIGINAL VILLAGE, NOW CITY OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS CREATED BY WARRANTY DEED FROM CONRAD SCHMEISSER AND ANNA SCHMEISSER, HIS WIFE, TO HENRY HUNTON, DATED JUNE 5, 1915 AND RECORDED JUNE 24, 1915, AS DOCUMENT 5660422, IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

THE WEST 50 FEET OF LOT 5 AND THE WEST 50 FEET OF THE SOUTH 15 FEET OF LOT 6 IN BLOCK 16 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

**PARCEL 2A:**

EASEMENT FOR THE BENEFIT OF PARCEL 2 AS CREATED BY GRANT FROM CONRAD SCHMEISSER AND ANNA, HIS WIFE TO JENNIE M. BEAKE AND HELEN S. BEAKE, DATED FEBRUARY 15, 1912 AND RECORDED FEBRUARY 16, 1912 AS DOCUMENT 4914908 FOR PASSAGEWAY OVER THE SOUTH 5 FEET OF THE NORTH 65 FEET OF THE WEST 50 FEET OF LOT 6 IN BLOCK 16 IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

**PINs:** 11-18-127-003-0000  
11-18-127-004-0000

**COMMONLY KNOWN As:** 1701 Sherman Avenue, Evanston, Illinois.