

36-O-14

AN ORDINANCE

**Granting a Special Use Permit for a
Commercial Indoor Recreation and a Drive Through Facility
Located at 430 Asbury Avenue in the B2 Business District
("Little Beans Cafe")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on February 18 and March 4, 2014, pursuant to proper notice, to consider case no. 14ZMJV-0001, an application filed by Robert Spengler and Shannon Valko, lessees of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 430 Asbury Avenue (the "Subject Property") and located in the B2 Business District, for a Special Use Permit to establish, pursuant to Subsection 6-9-3-3 of Title 6 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), a Commercial Indoor Recreation and Drive Through Facility 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 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 March 24, 2014, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 14ZMJV-0001; and

WHEREAS, at its meeting of March 24, 2014, 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, THAT:

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a Commercial Indoor Recreation and Drive Through Facility on the Subject Property as applied for in case no. 14ZMJV-0001.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 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 Special Use authorized by 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 Special Use authorized by this ordinance, the Applicant and its employees shall park on-site.
- F. Recordation:** 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 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: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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 8: 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.

Introduced: March 30, 2014

Approved:


Adopted: March 30, 2014

April 10, 2014


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

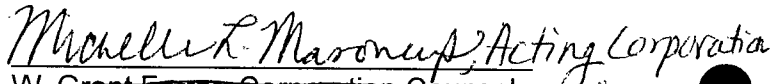

~~Michelle L. Maroney, Acting Corporation Counsel~~
W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description**

PARCEL 1:

LOTS 1 AND 2 (EXCEPT THAT PART OF SAID LOTS LYING EAST OF A LINE 40 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SECTION 25) IN BLOCK 3 IN KELLY AND O'BRIEN'S SOUTH EVANSTON SUBDIVISION OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 41, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF A LINE 33.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION WITH A LINE 40.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTH ALONG SAID PARALLEL LINE TO A POINT ON THE SOUTH LINE OF LOT 2 IN BLOCK 3 IN KELLY AND O'BRIEN'S SOUTH EVANSTON SUBDIVISION OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH ALONG THE WEST LINE OF LOTS 1 AND 2 AND BLOCK 3 IN SAID SUBDIVISION TO THE NORTHWEST CORNER OF LOT 1 IN SAID SUBDIVISION; THENCE WEST TO THE NORTHEAST CORNER OF LOT 15 BLOCK 3 IN SAID SUBDIVISION THENCE SOUTH ALONG THE EAST LINE OF LOT 14 AND 15 IN BLOCK 3 IN SAID SUBDIVISION TO THE SOUTH LINE OF THE NORTH 6-2/3 FEET OF SAID LOT 14; THENCE WEST ALONG SAID SOUTH LINE TO A POINT IN THE WEST LINE THEREOF; THENCE NORTH ALONG THE WEST LINE OF LOTS 14 AND 15 BLOCK 3 AND SAID WEST LINE EXTENDED NORTH TO A POINT ON A LINE 16.0 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 15; THENCE EAST ALONG SAID PARALLEL LINE TO A POINT ON A LINE 201.018 FEET (AS MEASURED ALONG SAID PARALLEL LINE) WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE NORTH ALONG SAID PARALLEL LINE TO A POINT ON A LINE 185.014 FEET (AS MEASURED ALONG SAID PARALLEL LINE) SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID

SECTION 30.65 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 65.20 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1.65 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION TO A POINT ON A LINE 33.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE EAST ALONG SAID PARRALLEL LINE TO THE POINT OF BEGINNING, EXCLUDING THAT PART LYING WEST OF THE WEST LINE OF LOTS 1 AND 2 IN BLOCK 3 DESCRIBED ABOVE AS EXTENDED NORTH ALL IN COOK COUNTY, ILLINOIS.

EXCEPTING ALSO THAT PART OF THE ABOVE DESCRIBED PARCEL 2 FALLING WITHIN PARCEL 1.

PIN(s): 10-25-203-011-0000
10-25-206-007-0000

COMMONLY KNOWN As: 430 Asbury Avenue, Evanston, Illinois.