

3/25/2014  
4/2/2014

**48-O-14**

**AN ORDINANCE**

**Granting a Special Use Permit for a Type 2 Restaurant  
Located at 1901 Dempster Street in the  
C2 Commercial Zoning District ("Starbucks")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on March 18 and April 1, 2014, pursuant to proper notice, to consider case no. 14ZMJV-0009, an application filed by the Starbucks Coffee Company, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1901 Dempster Street (the "Subject Property") and located in the C2 Commercial Retail Core Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-10-4-3 of Title 6 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Type 2 Restaurant, "Starbucks," and a 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 for a Type 2 Restaurant and a Drive-Through Facility 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 April 8, 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-0009; and

**WHEREAS**, at its meeting of April 8, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

**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 Type 2 Restaurant and a Drive-Through Facility on the Subject Property as applied for in case no. 14ZMJV-0009.

**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 to the extent that employees are able to remain safe with regards to the vehicular traffic in the right of way. 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 this ordinance between midnight and 5:00 a.m. on any day.
- E. **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: April 8, 2014.

Adopted: April 8, 2014

Approved:

April 10, 2014

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene  
Rodney Greene, City Clerk

Approved as to form:

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

**EXHIBIT A****LEGAL DESCRIPTION**

A TRACT OF LAND IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY (FORMERLY THE CHICAGO JUNCTION RAILWAY), BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF DEMPSTER STREET (BEING 33.00 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 13), AND THE WEST LINE OF DODGE AVENUE (BEING 33.00 FEET WEST OF THE EAST LINE OF THE SAID SOUTHWEST 1/4 OF SECTION 13); THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF DODGE AVENUE (BEING ALSO 33.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 13), A DISTANCE OF 135.00 FEET; THENCE SOUTH 87 DEGREES 42 MINUTES 20 SECONDS WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 150.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 135.00 FEET TO A POINT ON THE NORTH LINE OF SAID DEMPSTER STREET; THENCE NORTH 87 DEGREES 42 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID DEMPSTER STREET (BEING ALSO 33.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 13), A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING AND EXCEPTING THEREFROM THE FOLLOWING TRACT OF LAND DEED TO THE CITY OF EVANSTON BY DOCUMENT RECORDED MAY 13, 1987 AS DOCUMENT NUMBER 87259420: COMMENCING AT THE NORTHWEST CORNER OF DEMPSTER STREET AND DODGE AVENUE IN THE CITY OF EVANSTON, WHICH POINT IS 33.00 FEET NORTH OF THE SOUTH LINE AND 33.00 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST 1/4, THENCE WEST ON THE NORTH LINE OF DEMPSTER STREET, A DISTANCE OF 7.00 FEET, THENCE NORTHEASTERLY A DISTANCE OF 10.09 FEET TO A POINT ON THE WEST LINE OF DODGE AVENUE, 7.00 FEET NORTH OF THE NORTH LINE OF DEMPSTER STREET, AS MEASURED ON THE WEST LINE OF DODGE AVENUE, THENCE SOUTH 7.00 FEET TO THE PLACE OF BEGINNING, ALL IN THE CITY OF EVANSTON, COUNTY OF COOK, STATE OF ILLINOIS.

**PIN:** 10-13-322-027-0000

**COMMONLY KNOWN As:** 1901 Dempster Avenue, Evanston, Illinois.

