

9/24/2007  
8/29/2007

**84-O-07**

**AN ORDINANCE**

**Granting a Special Use for a  
Type 2 Restaurant at 2428 Main Street  
in the C1 Commercial District,  
("Sarpino's Pizza")**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on August 7, 2007, pursuant to proper notice, in case no. ZBA 07-26-SU (R), to consider an application by Ivan Marinov, lessee (the "Applicant"), with permission from Kap-Sum Properties, LLC, owner of the property located at 2428 Main Street (the "Subject Property"), located in the C1 Commercial District, for a special use to establish a Type 2 Restaurant, "Sarpino's Pizza", within the existing Main Street Marketplace shopping center, pursuant to Section 6-10-2-3 of the Zoning Ordinance; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a *verbatim* record and written findings that the application for a special use 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**, the Planning and Development Committee of the City Council considered, amended, and adopted the ZBA's record, findings, and recommendation, as amended, at its September 10, 2007 meeting and recommended City Council approval thereof; and

**WHEREAS**, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA, as amended, and the Planning and Development Committee at its September 24, 2007 meeting,

**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, as amended, and the Planning and Development Committee, and hereby approves the special use for a Type 2 Restaurant applied for in case no. ZBA 07-26-SU (R) on the Subject Property, legally described in Exhibit A, attached hereto and made a part hereof, and commonly known as 2428 Main Street.

**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 City Council hereby imposes the following conditions:

**A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, 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. Special Use Exclusive to the Site:**

The special use granted hereby shall allow for the operation of a Type 2 Restaurant only on the portion illustrated in the Site Plan, attached hereto and made a part hereof as Exhibit B, of the property commonly known as 2400 Main Street, and with the particular address of 2428 Main Street.

**C. 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 Type 2 Restaurant shall comply with the 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, 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.

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

- 1) The Applicant, the owner of the Subject Property, and/or the operator of the Type 2 Restaurant 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. Litter shall be collected a minimum of three (3) times per 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 Applicant, the owner of the Subject Property, and/or the operator of the Type 2 Restaurant shall increase or otherwise modify the number of litter receptacles and/or the number of collections from each, in accordance with the City's directive.

**SECTION 3:**

- E. Hours of Operation:** The Applicant shall not accept orders for carry-out food and/or beverages after 11:00 p.m. on any night. Every night, the Applicant must deactivate any illuminated signage on the premises at 11:00 p.m. until the restaurant re-opens the next morning. The Applicant may provide delivery service until 2:00 a.m. Six (6) months after the effective date of this Ordinance, the Applicant may directly appeal to the City Council, through the Planning and Development Committee, for an amendment to this condition to allow for later nightly hours of operation, specifically to allow carry-out orders and illuminated signage until 12:00 midnight, and to provide delivery service until 3:00 a.m.

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

**SECTION 5:** 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 6:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** 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 10, 2007

Approved:

Adopted: September 24, 2007

October 1, 2007

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary R. Morris  
Mary R. Morris, City Clerk

Herbert D. Hill  
Herbert D. Hill  
First Assistant Corporation Counsel

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

LOT 1 OF EVANSTON MAIN STREET COMMONS RESUBDIVISION, BEING A RESUBSIVISION OF PARTS OF LOTS 2 AND 3 OF MAIN STREET COMMONS SUBDIVISION AND PART OF LOT 2 OF GENERAL DYNAMICS-EVANSTON INDUSTRIAL PARK IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 2 OF EVANSTON MAIN STREET COMMONS RESUBDIVISION, BEING A RESUBSIVISION OF PARTS OF LOTS 2 AND 3 OF MAIN STREET COMMONS SUBDIVISION AND PART OF LOT 2 OF GENERAL DYNAMICS-EVANSTON INDUSTRIAL PARK IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 3 OF EVANSTON MAIN STREET COMMONS RESUBDIVISION, BEING A RESUBSIVISION OF PARTS OF LOTS 2 AND 3 OF MAIN STREET COMMONS SUBDIVISION AND PART OF LOT 2 OF GENERAL DYNAMICS-EVANSTON INDUSTRIAL PARK IN THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PROPERTY IDENTIFICATION NUMBER: 10-24-300-026-0000

COMMONLY KNOWN AS: **2428 MAIN STREET.**

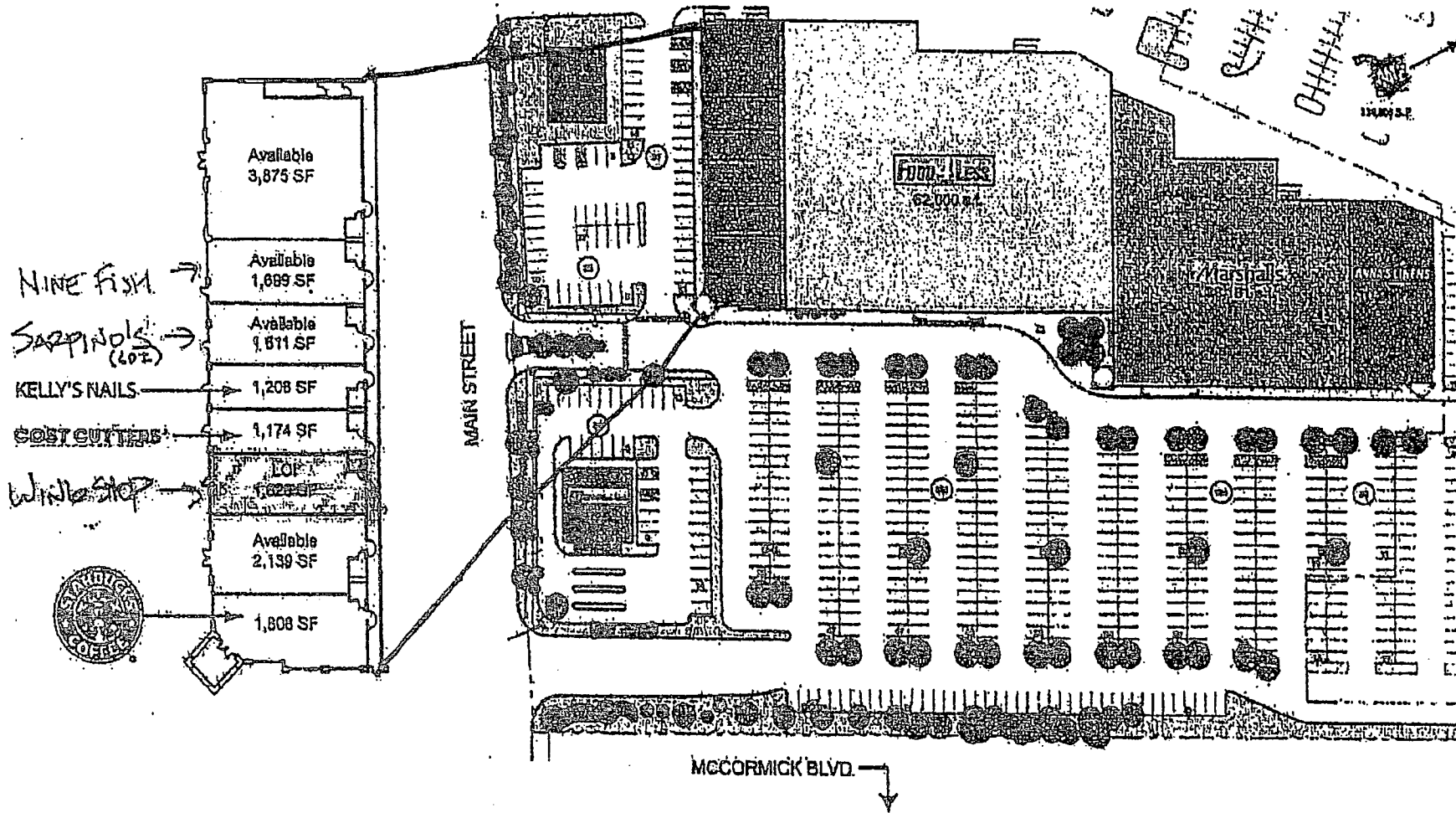
**EXHIBIT B**

**SITE PLAN**



# Leasing Opportunity - Evanston, IL

2400 W. Main Street



For Leasing Information Contact:

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Chicago, IL, 60610 • P: (312) 859-0070 • F: (312) 670-0408