

12/1/2014

**147-O-14**

**AN ORDINANCE**

**Granting a Special Use Permit for a Type 2 Restaurant Located at 911 Foster Street in the B1 Business District (“Domino’s Pizza”)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on November 4, 2014, pursuant to proper notice, to consider case no. 14ZMJV-0139, an application filed by Marr Chicago Pizza, Inc., lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 911 Foster Street (the “Subject Property”) and located in the B1 Business District, for a Special Use Permit to establish, pursuant to Subsection 6-9-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Type 2 Restaurant, “Domino’s Pizza,” 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 November 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-0139; and

**WHEREAS**, at its meetings of November 24, 2014 and December 1, 2014, 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 on the Subject Property as applied for in case no. 14ZMJV-0139.

**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. Hours of Operation:** The Applicant shall operate the Type 2 Restaurant authorized by this ordinance only between the hours of 10:00 a.m. and 12:00 midnight on Sunday through Thursday, and only between the hours of 10:00 a.m. and 1:00 a.m. on Friday and Saturday.
- D. Deliveries From The Restaurant:** Deliveries from the restaurant are allowed to take place only between the hours of 10:00 a.m. and midnight on Sunday

through Thursday, and only between the hours of 10:00 a.m. and 2:00 a.m. on Friday and Saturday.

- E. Deliveries To The Restaurant:** Deliveries to the restaurant must only occur via Foster Street between the hours of 4:00 a.m. and 6:00 a.m. on any given day. Delivery vehicles must have engine and refrigeration system turned off during the delivery. Deliveries to the restaurant shall not take place via the alley.
- F. Employee Parking:** Employees shall not park on the street during hours of operation.
- G. Northwestern University Parking Lot:** Applicant agrees to coordinate with Northwestern University with regards to utilizing the parking lot located at the intersection of Foster Street and Maple Avenue ("Engelhart Hall Lot"), to be utilized after 4:00 p.m. for employee parking.
- H. 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.

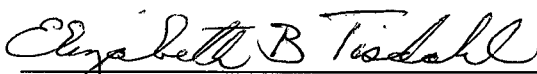
**SECTION 8:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: November 24, 2014


Adopted: December 2, 2014

Approved:

December 3, 2014

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOT 15, THE EAST 12 FEET OF LOT 16, THE WEST 34 FEET OF LOT 16 EXCEPT THE NORTH 36 FEET THEREOF AND THE EAST 6 FEET OF LOT 17 EXCEPT THE NORTH 36 FEET THEREOF, IN BLOCK 2 IN WHEELER AND OTHERS SUBDIVISION OF THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WEST OF SHERMAN AVENUE, IN COOK COUNTY, ILLINOIS.

**PINs:** 11-18-104-016-0000  
11-18-104-017-0000

**COMMONLY KNOWN AS:** 911 Foster Street, Evanston, Illinois.