ORDER OF BUSINESS

I. Roll Call- Begin with Alderman Wilson

II. Public Comment

III. Items for Consideration

(SP1) Ordinance 135-O-14: Evanston Public Library 2014 Tax Levy
Staff and the Library Board request City Council adoption of Tax Levy Ordinance 135-O-14 which levies the annual property tax for the Evanston Public Library. This ordinance was introduced at the October 25, 2014 City Council meeting, and held on November 24, 2014 by City Council for further consideration.
For Action

(SP2) Ordinance 147-O-14, Granting a Special Use for a Type 2 Restaurant, Domino’s Pizza, at 911 Foster Street
The Zoning Board of Appeals and City staff recommend City Council adoption of Ordinance 147-O-14 granting a special use permit for a Type 2 Restaurant, Domino’s Pizza, in the B1 Business District. The applicant has complied with all zoning requirements, and meets all of the standards for a special use for this district. This ordinance was introduced at the November 24, 2014 City Council meeting.
For Action

IV. Adjournment
# MEETINGS SCHEDULED THROUGH DECEMBER 2014

Upcoming Aldermanic Committee Meetings

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Meeting Name</th>
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<tbody>
<tr>
<td>Mon, Dec 8</td>
<td>6 pm</td>
<td>A&amp;PW, P&amp;D, City Council meetings</td>
</tr>
<tr>
<td>Wed, Dec 10</td>
<td>7 pm</td>
<td>Northwestern University/City Committee</td>
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<tr>
<td>Tues, Dec 16</td>
<td>7:30 pm</td>
<td>Housing &amp; Community Dev Act Ctte</td>
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<tr>
<td>Wed, Dec 17</td>
<td>6 pm</td>
<td>Transportation/Parking Committee</td>
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<tr>
<td>Wed, Dec 17</td>
<td>6:30 pm</td>
<td>M/W/EBE Advisory Committee</td>
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<tr>
<td>Wed, Dec 17</td>
<td>7:30 pm</td>
<td>Economic Development Committee</td>
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<tr>
<td>Fri, Dec 19</td>
<td>7 am</td>
<td>Housing &amp; Homelessness Commission</td>
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Information is available about Evanston City Council meetings at: [www.cityofevanston.org/citycouncil](http://www.cityofevanston.org/citycouncil). Questions can be directed to the City Manager's Office at 847-866-2936. The City is committed to ensuring accessibility for all citizens. If an accommodation is needed to participate in this meeting, please contact the City Manager’s Office 48 hours in advance so that arrangements can be made for the accommodation if possible.
Memorandum

To: Honorable Mayor and Members of the City Council

From: Martin Lyons, Assistant City Manager/Chief Financial Officer
Karen Danczak Lyons, Library Director

Subject: Ordinance 135-O-14: Evanston Library Fund 2014 Tax Levy

Date: Octoberer 22, 2014

Recommended Action:
The Evanston Public Library Board requests City Council adoption of Tax Levy Ordinance 135-O-14 which levies the annual property tax for the Evanston Public Library in the amount of $5,932,148. This ordinance was introduced at the October 25, 2014 City Council meeting, and held on November 24, 2014 by City Council for further consideration.

Summary:
The Library Fund Levy is proposed at $5,932,148. This request represents a 15.53 percent increase over the 2013 Levy of $5,134,793.

Questions regarding the Proposed Library Tax Levy may be directed to the City Treasurer or Library Director:

Martin Lyons
Treasurer
847.448.8082
mlyons@cityofevanston.org

Karen Danczak Lyons
Library Director
847.448.8655
kdanczaklyons@cityofevanston.org

Attachment:
Ordinance 135-O-14
Library Fund Exhibit
AN ORDINANCE

Levying Taxes for the Library Fund
in the City of Evanston, County of Cook,
and State of Illinois, for the Fiscal Year Beginning
January 1, 2015 and Ending December 31, 2015

WHEREAS, the City of Evanston, Illinois, has heretofore adopted an annual
budget for the fiscal year beginning January 1, 2015, and ending December 31, 2015,
which said Budget document was reviewed at a public hearing and copies of which said
Budget document have been continuously available for public inspection at the office of
the City Clerk of the City of Evanston at the Civic Center, 2100 Ridge Avenue, Evanston,
Illinois, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday, except
holidays; and

WHEREAS, said Budget document contains the expenditures to be made
with the monies collected through taxation and other sources during said fiscal year; and

WHEREAS, the City of Evanston, Illinois, is a Home Rule unit of local
government pursuant to the terms and provisions of Article VII of the 1970 Constitution
of the State of Illinois, which said Constitution, in Section 6(a) thereof, grants unto the
City of Evanston as a Home Rule unit of local government the power to tax;

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

SECTION 1: That, in order to meet expenses and liabilities for the Library
Fund of the City of Evanston, Illinois, for the current fiscal year beginning January 1,
2015, there is hereby levied on all real property subject to taxation within the corporate
limits of said City of Evanston as assessed and equalized for the year 2014 the sum of Five Million, Nine Hundred Thirty-Two Thousand, One Hundred Forty Eight Dollars ($5,932,148), being the total of the appropriation legally made plus allowances for collection losses, which are to be collected from the tax levy of the City of Evanston for the year 2014 for Library Fund Purposes appropriated and specifically referred to in the annual Budget passed by the City Council of the City of Evanston at a regular Council meeting held November 24, 2014.

The specific amounts hereby levied for the Library Fund purposes is designated by being placed in separate column under the heading “To Be Raised By Taxation,” and is identified in that manner on the following pages of this Ordinance.

**SECTION 2:** That there be appropriated for the City of Evanston: The sum of Five Million, Nine Hundred Thirty-Two Thousand, One Hundred Forty Eight Dollars ($5,932,148), for the Library Fund Purposes, as outlined in the City of Evanston Tax Levy Filing with Cook County FY15 Budget – Tax Levy Year 2014 to be Received in FY15, attached hereto as “Exhibit A” and incorporated herein by reference.

**SECTION 3:** That the foregoing recitals are found as fact and made a part hereof.

**SECTION 4:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** That this Ordinance 135-O-14 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.
Exhibit A

City of Evanston Tax Levy filing with Cook County FY15 Budget
- Tax Levy Year 2014 to be received in FY2015
## Exhibit A

### Account Classification

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<tr>
<th>Account Number</th>
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**Account Classification Total: Salary and Benefits**

$4,710,919  $ -  $4,710,919

### Serv & Supplies - Services and Supplies

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<th>Description</th>
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**Account Classification Total: Services and Supplies**

$1,542,994  $440,408  $1,102,586

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**Capital Outlay - Capital Outlay**
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<td>65503</td>
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**Ins & Chg Backs - Insurance and Other Chargebacks**

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**Miscellaneous - Miscellaneous**

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**Expenditures Total**

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Collection Losses

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Memorandum

To: Honorable Mayor and Members of the City Council

From: Mark Muenzer, Director of Community Development
Lorrie Pearson, Planning and Zoning Administrator
Melissa Klotz, Zoning Planner
Ellen Cholewa, Community Development Intern

Subject: Ordinance 147-O-14, Granting a Special Use for a Type 2 Restaurant, Domino’s Pizza, at 911 Foster Street

Date: November 13, 2014

Recommended Action
The Zoning Board of Appeals and City staff recommend adoption of Ordinance 147-O-14 granting a special use permit for a Type 2 Restaurant, Domino’s Pizza, in the B1 Business District. The applicant has complied with all zoning requirements, and meets all of the standards for a special use for this district. This ordinance was introduced at the November 24, 2014 City Council meeting.

Summary
911 Foster Street is located on the north side of Foster Street, between Maple and Sherman Avenues in a B1 Business District, and is surrounded by similar commercial uses as well as a myriad of residential and university uses. The applicant proposes to operate Domino’s Pizza, a Type 2 Restaurant, featuring a new restaurant model known as a “pizza theater” that displays all food prep so that customers are able to watch their order as it is created. The restaurant will feature seating for 17 patrons and a party room for occasional use, but anticipates the majority of orders will be carry-out or delivery.

Domino’s Pizza intends to use bicycles as one way of delivering pizzas to lessen the impact on the neighboring residential area and promote sustainable green practices. The rear parking lot, which is accessible via the alley, has four parking spaces dedicated for Domino’s use. The applicant anticipates utilizing a maximum of four delivery vehicles and three bicycles during peak hours. The applicant is working with Northwestern University to use the university parking lot on the south side of Foster Street for delivery drivers after 4 p.m. when the lot is otherwise underutilized. Pizza delivery vehicles and employee vehicles will not park on Foster Street. Commissary deliveries to the restaurant will only occur between 4am – 6am, and will occur via Foster
Street rather than the alley to lessen any impact on the adjacent residential area. Commissary deliveries will turn off truck engines and compressor units to further lessen any impact due to noise during deliveries.

*Domino’s Pizza* intends to operate from 10 a.m. to 12 a.m., Sunday-Thursday, and 10 a.m. to 1 a.m., Friday-Saturday with deliveries allowed until 2 a.m. on Fridays and Saturdays. Alcohol will not be served on the premises. Minor façade improvements are proposed, including window trim and signage. The applicant has agreed to follow the Litter Collection and Garbage Pickup Plans.

*Neighborhood Benefit*
The neighborhood will benefit from having a well-established, global business that will enhance the business district by occupying a currently underutilized commercial space, and help revitalize an area in need of development.

*Comprehensive Plan*
The Evanston Comprehensive General Plan encourages the use of existing spaces along existing commercial corridors that can add sales tax revenue and encourage vibrant business districts. The Comprehensive Plan specifically includes:

- **Objective:** Promote the growth and redevelopment of business, commercial, and industrial areas.
- **Objective:** Retain and attract businesses in order to strengthen Evanston’s economic base.

*Domino’s Pizza* will further revitalize this area by bringing foot traffic to the area, which will in turn encourage more businesses to move to this area.

*Legislative History*
November 4, 2014: The ZBA recommended unanimous approval of the special use permit for a Type 2 Restaurant with the following conditions:

1. Must comply with Litter Collection and Garbage Pick-Up Plans
2. Hours of Operation between 10 a.m. and midnight, Sunday-Thursday and 10 a.m. to 1 a.m., Friday-Saturday. Deliveries can occur up to 2 a.m. Friday-Saturday.
3. Commissary deliveries to the restaurant shall occur from 4 a.m. to 6 a.m. on Foster Street and compressor and engine must be turned off.
4. Employees may not park on the street.
5. Applicant should coordinate with Northwestern University to use parking lot across the street after 4 p.m. if possible.
6. The project must be in substantial compliance of the documents and testimony on record.
Attachments
Proposed Ordinance 147-O-14
November 4, 2014 ZBA Draft Meeting Minutes
ZBA Findings
Updated Application
Letter of Opposition
November 4, 2014 ZBA Packet -
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 meeting of November 24, 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 recital 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: _______________, 2014

Adopted: _______________, 2014

Approved: _______________, 2014

______________________________
Elizabeth B. Tisdahl, Mayor

Attest: _______________

Approved as to form:

_____________________________
Rodney Greene, City Clerk

_____________________________
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.
MEETING MINUTES
ZONING BOARD OF APPEALS
Tuesday, November 4, 2014
7:00 PM
Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Matt Rodgers, Violetta Cullen, Mary Beth Berns, Andrew Gallimore
Members Absent: Beth McLennan, Scott Gingold, Myrna Arevalo
Staff Present: Melissa Klotz, Lorrie Pearson, Mario Treto
Chair: Matt Rodgers

Declaration of Quorum
With a quorum present, Chair Rodgers called the meeting to order at 7:02pm.

Approval of Minutes
The minutes from the October 21, 2014 Zoning Board of Appeals meeting were motioned for approval. Ms. Cullen made the motion and it was seconded by Ms. Berns. The motion was approved 3-0, 1 member abstained.

New Business

1513 Greenleaf Street  ZBA 14ZMJV-0136
Larry Rosenbaum, contract purchaser, applies for a special use permit for a Single Family Detached Dwelling at 1513 Greenleaf Street. 1513 Greenleaf Street is located in the B1 Business District, which requires a special use permit for a Single Family Detached Dwelling (Zoning Code Section 6-9-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record. She went on to clarify that they chose to pursue a special use permit as opposed to the option of rezoning for this case.

Bernard Citron, attorney, Larry Rosenbaum, applicant, and Vladimir Rudutny, architect explained the proposal:

- Prefer to pursue special use instead of rezoning to keep the underlying B1 Business District intact and avoid spot zoning
- Owner needs a 1-story residence for medical reasons
- Building hasn’t held a business in over 5 years
- Many 1 & 2-Family residences are on this block within the B1 Business District
- Building footprint will be maintained, while 2-car detached garage, driveway, and deck will be added
- New, interior courtyard will be located at front of building to increase light and air to the residence while maintaining the zero front setback
- Front façade will maintain the 3 bays, but with metal screens
- Exact screening hasn’t been chosen, but it will be re-reviewed by SPAARC in building permit process.

Ms. Berns asked if a large storage area will be located in the garage, which Mr. Citron confirmed and explained that the residence does not feature much storage space and does not have a basement. The garage will not have plumbing or heating that could be used as a residence or anything other than storage.
Chair Rodgers asked how drainage will be addressed. Mr. Citron responded that the shed is being decreased to a size of 300 ft², but they are adding 300 ft² of deck and 450 ft² for the garage.

Ms. Berns asked if there were any requirement for building lot coverage or impervious surface coverage. Ms. Klotz answered that B1 Business District does not have a building lot coverage or impervious surface coverage, but on-site storm water detention has been done. This project does not utilize the maximum 1.0 FAR allowed.

Ms. Klotz went on to say that staff prefers to maintain the underlying zoning to keep the business district intact so as to retain the possibility of reversion to business use in the future.

The ZBA entered into deliberations.

Ms. Berns stated that she would prefer if setbacks of things, like decks, were treated as if they were residential. Overall, she thinks this is a great project. She did note concerns about the front screening appearing jail-like.

Chair Rodgers stated that he liked the proposal to remove concrete at the front of the building.

The Standards were addressed:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Berns motioned to recommend approval of the proposal with the following conditions:

- Parkway must be returned to grass.
- Engineering is to approve drainage.
- The project must be in substantial compliance of the documents and testimony on record.

The motion was seconded by Ms. Cullen and approved 4-0.

Ranee Viravakin, co-property owner, appeals the Zoning Administrator’s decision to deny zoning relief (case number 14ZMNV-0114) from Section 6-4-6-7-F-3 of the Zoning Ordinance that states the maximum fence height in a required front yard and street side yard is 4’. The applicant applied for zoning relief to construct a 6’ solid wood fence in the required front yard and street side yard. The applicant was granted relief from Section 6-4-6-7-F-2-a-1 to permit a fence in the front yard (Asbury Avenue) and Section 6-4-6-7-F-2-b-1 to permit a fence in a street side yard (Brummel Street). The applicant was denied relief from Section 6-4-6-7-F-2-a-2 to permit a fence exceeding 70% opacity in the front yard, Section 6-4-6-7-F-2-b-2 to permit a fence exceeding 70% opacity in the street side yard, and Section 6-4-6-7-F-3 to permit a fence height exceeding 4’ in the front or street side yard. The fence variance was partially granted to allow a 4’ metal fence in the front and street side yard not exceeding 70% opacity. The applicant now requests a 6’ metal wrought-iron style fence not exceeding 70% opacity in the front and street side yard. The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.
Ranee Viravakin, co-property owner, and Dan Sullivan, co-property owner, explained the proposal:
- Wanted 6’ metal fence to catch flying garbage from Evanston and Chicago
- Has previously been cited by the City for garbage in the yard
- Garbage clean-up needs to occur 2-3 times per week

Ms. Klotz clarified that the only appeal request is the height of the fence.

Chair Rodgers asked if any of the businesses nearby were being held to the Litter Collection Plan, to which Ms. Klotz said she was not aware of any.

Chair Rodgers stated that garbage will still have to be picked up along the fence. At any fence height, garbage will still blow over it.

The ZBA entered into deliberations.

Chair Rodgers stated that he would prefer a 4’ fence with fewer gaps to promote more opacity.

Ms. Berns said that a 6’ height is a detriment. She would prefer the fence to be a foot off the property line, so that it is not at the sidewalk, to which Ms. Cullen agreed.

Chair Rodgers noted that the proposed fence is at 70% opacity. Ms. Berns stated that 50% is a better opacity to collect garbage.

Chair Rodgers stated that there seemed to be a general consensus for a 4’ fence with 50% opacity.

The Standards were addressed for a 4’ wrought iron fence with 50% opacity:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Mr. Gallimore motioned to recommend approval of the proposal with the following conditions:
- Fence is 4'h of wrought-iron style with 50% opacity.

The motion was seconded by Ms. Berns and approved 4-0.

604 Davis Street       ZBA 14ZMJV-0138
Andrew J. Spatz, property owner, applies for a special use permit for a Commercial Indoor Recreation facility, The Barre Code, at 604 Davis Street. 604 Davis Street is located in the D2 Downtown Retail Core District, which requires a special use permit for a Commercial Indoor Recreation facility to operate (Zoning Code Section 6-11-3-4). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Andrew J. Spatz, property owner, explained the proposal:
- Front 31% of space designated for retail
- Back 69% of space designated for dancing
- 14 person, dance-exercise studio
- As property owner, very concerned about noise traveling to neighboring spaces
- Did extensive sound testing, and plan to add a sound insulated room within the space
• No food or beverages sold on site
• No operable windows. Door is weather stripped
• Intend to use best acoustic material possible
• Hours of operation: Monday-Saturday 6 a.m.- 6 p.m., and closed on Sundays
• 2 employees, 3-4 classes per day
• 2 parking spaces dedicated to this use on site (7 spaces total)

Chair Rodgers acknowledged the letter submitted regarding dumpster location, but noted it is not pertinent to the special use.

The ZBA entered into deliberations.

Ms. Berns stated that she was nervous about loud uses, but is fine with the architectural plans and soundproofing.

Chair Rodgers noted that proactive measures have been taken to lessen noise and not create a nuisance for neighbors.

The Standards were addressed:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Ms. Cullen motioned to recommend approval of the proposal with the following conditions:
• Hours of operation between 6 a.m. and 10 p.m.
• Employees cannot park on the street.
• The project must be in substantial compliance of the documents and testimony on record.

The motion was seconded by Mr. Gallimore and approved 4-0.

911 Foster Street ZBA 14ZMJV-0139
Marr Chicago Pizza Inc., lessee, applies for a special use permit for a Type 2 Restaurant, Domino’s Pizza, at 911 Foster Street. 911 Foster Street is located in the B1 Business District, which requires a special use permit for a Type 2 Restaurant to operate (Zoning Code Section 6-9-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Matthew Zia and Ray Sariajay, Domino’s representatives, explained the proposal:
• Propose to open a Domino’s Pizza
• Hood vent will be installed through the roof
• Predominantly carryout service, but will provide some indoor seating with new concept of “Pizza Theater”, where you can watch pizza being made
• Approximately 20 seats or less
• Hours of Operation: Sunday-Thursday 10 a.m. to 1 a.m., and Friday-Saturday 10 a.m. to 2 a.m.
• Understand that the City prefers that they close at midnight Sunday-Thursday, and at 1 a.m. Friday-Saturday
• Deliveries to occur by bicycle as well

Ms. Berns inquired why they would not locate in a downtown area if they wanted to stay open later, to which Mr. Zia responded that they wanted to serve customers within a neighborhood area and they need parking for delivery drivers. He went on to say that 3-5 employees will be working per shift and 3 parking spaces will be dedicated to Domino’s.

Ms. Berns asked if a good neighbor plan was in place for those that share the alleyway, which Mr. Zia confirmed and explained that drivers have had extensive training and adhere to safety practices. He went on to say that deliveries will occur twice a week and take approximately 15-20 minutes. Deliveries will probably occur somewhere between 2 a.m. and 6 a.m. via semi truck. The truck will not be able to turn into the alley or clear the CTA. They don’t want deliveries to disturb neighbors on the alley overnight, so they would prefer for deliveries to occur on Foster Street.

Ms. Berns asked when the nearby daycare opens, to which Ms. Cullen answered, 7 a.m. along with the dance studio. Mr. Zia explained that pizza deliveries will be slow until about 4 p.m. due to the university being a large source of business. Otherwise, they anticipate 1 delivery out every ten minutes or so.

Ms. Berns asked if delivery drivers could use the parking lot across the street, to which Mr. Zia said yes, especially during the rush. He went on to say that he would also comply with the Litter Collection Plan.

Chair Rodgers clarified that there would be no alcohol service at this establishment.

Mr. Zia noted that windows will not be blacked out.

Bob Tootelian, 2001 Maple Avenue, stated that he would like to see more business on Foster Street, but is concerned about noise from overnight deliveries. He also felt that parking right in front of the business location should not be allowed for delivery drivers to run in. He is not objecting to or supporting this case.

Alderman Holmes stated that people are concerned about parking. If deliveries park in front of the business, they will get tickets. She supports overnight deliveries, but is also concerned about noise in the area in general.

Mr. Zia stated that the revitalization of this area is one of his aims and asked that deliveries could possibly be made up to 2 a.m.

Ms. Berns clarified that she meant delivery drivers in the lot across from the street, not in the street.

Mr. Zia noted that the delivery time could be adjusted and they could turn off the truck compressor during deliveries.

The ZBA entered into deliberations.

Chair Rodgers stated that the bike delivery is great and this area is in need of revitalization.

The Standards were addressed:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
Ms. Cullen motioned to recommend approval of the proposal with the following conditions:

- Litter Collection and Garbage Plan
- Hours of Operation between 10 a.m. and midnight, Sunday-Thursday and 10 a.m. to 1 a.m., Friday-Saturday. Deliveries can occur up to 2 a.m. Friday-Saturday.
- Commissary deliveries occur from 4 a.m. to 6 a.m. on Foster Street and compressor and engine must be turned off.
- Employees may not park on the street.
- Applicant coordinates with Northwestern University to use parking lot across the street after 4 p.m. if possible.
- The project must be in substantial compliance of the documents and testimony on record.

The motion was seconded by Ms. Cullen and approved 4-0.

Ms. Klotz passed out a draft of ZBA rules consisting mostly of grammatical changes, but some policy changes as well. These will be discussed at the next meeting.

The meeting adjourned at 9:35 p.m.
### Findings for Standards of Special Use Permits

In the case of

**Case Number:** 14ZMJV-0139  
**Address or Location:** 911 Foster Street  
**Applicant:** Marr Chicago Pizza, Inc.  
**Proposed Special Use:** Restaurant-Type 2, *Domino’s Pizza*, in B1 District

After conducting a public hearing on November 4, 2014, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-9-2-3 of the Zoning Ordinance:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) It is one of the special uses specifically listed in the zoning ordinance;</td>
<td>X Met Not Met Vote 4-0</td>
</tr>
<tr>
<td>(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;</td>
<td>X Met Not Met Vote 4-0</td>
</tr>
<tr>
<td>(C) It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the city as a whole;</td>
<td>X Met Not Met Vote 4-0</td>
</tr>
<tr>
<td>(D) It does not interfere with or diminish the value of property in the neighborhood;</td>
<td>X Met Not Met Vote 4-0</td>
</tr>
</tbody>
</table>
and, based upon these findings, and upon a vote

4 in favor & 0 against

Recommends to the City Council

approval without conditions
x approval with conditions specifically:

1. Litter Collection and Garbage Plan
2. Hours of Operation between 10 a.m. and midnight, Sunday-Thursday and 10 a.m. to 1 a.m., Friday-Saturday. Deliveries can occur up to 2 a.m. Friday-Saturday.
3. Commissary deliveries occur from 4 a.m. to 6 a.m. on Foster Street and compressor and engine must be turned off.
4. Employees may not park on the street.
5. Applicant coordinates with Northwestern University to use parking lot across the street after 4 p.m. if possible.
6. The project must be in substantial compliance of the documents and testimony on record.

denial of the proposed special use.
SPECIAL USE
APPLICATION

Address: 911 Foster St, Evanston, IL 60201

2. APPLICANT

Name: Marco Chicago Pizza Inc
Organization: DSA Dominoes Pizza
Address: 540 Newport Dr, Rolling Meadows, IL 60008
City, State, Zip: Rolling Meadows, IL 60008
Phone: Work: 847-721-9888, Home: 312-261-6180
Fax: Work: 847-721-9888, Home: 312-261-6180
E-mail: Scheipermit@marcopizza.com

What is the relationship of the applicant to the property owner?
- [ ] Same
- [ ] Builder/Contractor
- [ ] Officer of board of directors
- [ ] Architect
- [ ] Attorney
- [ ] Contract Purchaser
- [ ] Potential Lessee
- [ ] Other:

Please circle the primary means of contact:

3. PROPERTY OWNER

(Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: Hubert D. Mengin
Address: 911 Foster St
City, State, Zip: Evanston, IL 60201
Phone: Work: 847-721-9888, Home:
Fax: Work: 847-721-9888, Home:
E-mail: dmengin@ymail.com

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Hubert Mengin
Oct. 9, 2014

Property Owner(s) Signature(s) -- REQUIRED

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature -- REQUIRED

Date: 9/15/14

PAGE 1 OF 6
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☐ (This) Completed and Signed Application Form
☐ Plat of Survey Date of Survey:
☐ Project Site Plan Date of Drawings:
☐ Plan or Graphic Drawings of Proposal (If needed, see notes)
☐ Non-Compliant Zoning Analysis
☐ Proof of Ownership Document Submitted:
☐ Application Fee Amount $5,000.63 Transcript Deposit Fee $150.

Notes: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

Plat of Survey

(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

Site Plan

(1) One copy of site plan or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal

A Special Use application requires graphic representations for any elevated proposal—garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

Proof of Ownership

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- Tax bill will not be accepted as Proof of Ownership.

Non-Compliant Zoning Analysis

This document informed you that the proposed change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee & Transcript Deposit

The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card. The $150 transcript deposit is applied to the cost of a court reporter. The City hires a court reporter to transcribe the Zoning Board of Appeals hearing— as specified in the Zoning Board of Appeals’ Rules of Procedures. Applicants are responsible for the cost of the hearing transcript at a rate of $7.50 per page. (The $150 deposit is applied to that fee; final fees may result in a refund or additional charges). The final fee directly covers the cost of the court reporter.
6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:
   Domino's Pizza Store "New" Pizza Theatre
   Concept similar to Chipotle Style
   Walkin', Carryout, Delivery

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)
   
   Yes, Article 5, § 5-2(a)
   Special Use: 6-9-2-3

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?
   
   No - It will be a professional, vibrant business that has high standards of operations, cleanliness and image. It will enhance the image of the neighborhood.

c) Will the requested special use be adequately served by public facilities and services?

   Yes
d) Will the requested special use cause undue traffic congestion?

**Yes - Delivery drivers & Bicycle Deliveries will only use the back alley parking lot for entry into location eliminating street congestion. Many customers will be walking from Comuteer Main Station & Student/Local residents. Northwestern University Police staffed parking lot directly across the street is open at the hour if not enforced. Stated Customers able to park there.**

e) Will the requested special use preserve significant historical and architectural resources?

**Yes - All historical & architectural resources will remain as is.**

f) Will the requested special use preserve significant natural and environmental features?

**Yes - All natural & environmental features will remain as is.**

g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

**Yes**
City of Evanston
DISCLOSURE STATEMENT

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: Does not apply.

   MARC'S MEXICAN PIZZA INC
   5410 NEWPORT AVE #37
   BELLING MEADOWS TOWNSHIP
   Phone: 847-774-6599 Fax: 847-774-6932

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number 1 above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number 1 above, or indicated below.

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 1 above, or indicated below.
If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

   (See owners sheet)

   next page

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

   

If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

   

See additional ONE page

Page 6 of 6

Domino's Business Description
Klotz, Melissa

From: Julie Goldberg <julieg@san.rr.com>
Sent: Monday, November 03, 2014 10:48 AM
To: Klotz, Melissa
Cc: 'Sam Goldberg'
Subject: 911 Foster Street Hearing - City of Evanston

Hello Melissa:

Thank you for the public notice for the meeting regarding the application for a Dominos Pizza at 911 Foster Street, Evanston (ZBA 14ZMJV-0139).

I am a homeowner at 819 Foster Street and will be unable to attend the meeting. However, I wish to make my views known. I would appreciate it if you could forward this email to the appropriate person who will be conducting the meeting.

I am NOT in favor of allowing a Dominos to go into 911 Foster Street. I have concerns about trash and litter in front of the property. There is currently enough trash – most which is not being removed regularly by the city – that is generated by the Foster Street El stop.
Additionally, our property shares the same alley which Dominos would be using for deliveries. The alley is in bad enough shape as it is, and does not need the extra traffic of delivery trucks bring in restaurant supplies – especially during the winter when snow removal is very inadequate.

Thank you for considering this input. I would appreciate an update as to whether or not the appeal was granted.

Sincerely,
Julie and Sam Goldberg
julieg@san.rr.com

819 Foster Street
Evanston, Ill 60201
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<th>Attendance</th>
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