

3/6/96
3/19/96
4/10/96, 5/10/96

29-O-96

AN ORDINANCE

Granting an Amendment to
Ordinance 147-0-89 to allow for Operation
of a Sheltered Care/Skilled Care Home
at 2520 Gross Point Road

WHEREAS, Ordinance 147-0-89 granted a special use pursuant to the 1960 Zoning Ordinance in case no. 89-30-SU(R) to permit construction of a ninety-nine bed sheltered care home at 2520 Gross Point Road in a District then designated as B1 Business; and

WHEREAS, with passage of the 1993 Zoning Ordinance, ("The Ordinance") the subject use became lawfully non-conforming; and

WHEREAS, section 6-6-7 of the 1993 Ordinance ("The Ordinance") allows special uses granted under previous zoning ordinances to continue, subject to any conditions imposed by the grant; and

WHEREAS, among the conditions imposed on the aforesaid grant was number one, the substance of which was that any changes in operation of the subject home which necessitated an amendment to the Home's Certificate of Need, dated June 2, 1989, issued by the Illinois Health Facilities Planning Board, shall terminate the special use and necessitate a reapplication therefor; and

WHEREAS, the lessee, Alden Estates of Evanston ("Alden Estates"), has sought to amend said Certificate of Need to allow the offering of skilled care as well as sheltered care; and

WHEREAS, Alden Estates filed an application seeking release of the aforesaid condition one; and

WHEREAS, the City Council, pursuant to section 6-3-1-6(E) of The Ordinance, referred the application to the Zoning Board of Appeals ("ZBA"); and

WHEREAS, the ZBA took jurisdiction of the application pursuant to section 6-3-1-4(G) of The Ordinance; and

WHEREAS, the ZBA conducted a public hearing on February 20, 1996 pursuant to proper notice in case no. 96-1-R(R) on the application to modify the aforesaid condition number one of Ordinance 147-0-89 and the covenant recorded pursuant thereto; and

WHEREAS, the ZBA reviewed the application pursuant to the special use provisions of section 6-3-5 of the Ordinance; and

WHEREAS, the ZBA has recommended that the application for said release of condition be granted,

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

SECTION 1: That based upon the testimony, plans, and other evidence presented at the hearing, and upon deliberations and findings of fact contained in the transcript of ZBA case no. 96-1-R(R), the City Council hereby grants the application of Alden Estates of Evanston for release of condition one imposed by Ordinance 147-0-89 to permit operation of a sheltered care home/skilled care home consisting of forty-two skilled care beds and fifty-seven sheltered care beds, at 2520 Gross Point Road on property classified as a C2 Commercial District under the 1993 Zoning Ordinance and legally described as:

LOT 2 IN ENGLE'S RESUBDIVISION, BEING A RESUBDIVISION OF LANDECK'S DIVISION OF LOT 2 OF EVERT AND SCHAEFER SUBDIVISION OF PART OF THE NORTHEAST FRACTIONAL QUARTER OF SECTION 10, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MARCH 27, 1990 AS DOCUMENT 90135710, IN COOK COUNTY, ILLINOIS.

SECTION 2: Pursuant to section 6-3-5-12 of The Ordinance, which provides that the City Council may impose conditions and limitations on the grant of a special use, these conditions and limitations are hereby imposed, having been accepted by the applicant:

- a. The proposed construction, operation and patient population of the sheltered care home/skilled care home consisting of 42 skilled care beds and 57 sheltered care beds shall be in substantial compliance with the testimony presented on February 20, 1996 and the plans placed on file in connection with this case and any changes in the proposed construction, operation or patient population of the proposed facility which are not in substantial compliance with the testimony presented by applicant, or which necessitate an amendment to the Certificate of Need, dated May 18, 1995 issued by the Illinois Health Facilities Planning Board with respect to this facility, or the issuance of a new Certificate of Need by said Health Facility Planning Board, shall terminate this special use and necessitate a reapplication for a new special use pursuant to the applicable regulations and procedures set forth in the Evanston Zoning Ordinance.
- b. No resident shall be admitted to, or kept in, the facility:
 - 1) Who is mentally ill, in need of mental treatment, and at risk, because, due to the mental illness, the person is reasonably expected to self-inflict serious physical harm or to inflict serious physical harm on another person in the near future as determined by professional evaluation, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Nursing Home Care Act, 210 ILCS 45/1-101, et seq., ("the Act").
 - 2) Who is destructive of property, himself, or others, provided that all involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.
- c. No resident shall be admitted to the facility who is developmentally disabled and who needs programming for such conditions, as described in the rules governing intermediate care facilities for the developmentally disabled (77 Ill. Adm. Code 350). Such person shall only be admitted to licensed as

intermediate care facilities for the developmentally disabled under 77 Ill. Adm. Code 350 or if under 18, in a long-term care facility for persons under 22 years of age which is licensed under 77 Ill. Adm. Code 390. Persons from 18 to 21 years of age in need of such care may be kept in either facility, provided that all involuntary discharges and transfers shall be in accordance with sections 3-401 through 3-423 of the Act.

- d. Persons under 18 years of age may not be cared for in a facility for adults without prior written approval from the Illinois Department of Public Health.
- e. The applicant shall commit no less than twenty percent (20%) of the skilled care beds to Evanston medicaid patients.
- f. The front canopy shall have a minimum height of 12 feet in order to allow emergency vehicle access.
- g. The applicant agrees that the subject property shall remain on the tax rolls and that the special use shall expire if and when the subject property is removed from the tax rolls.
- h. The applicant shall prepare a covenant of agreement to run with the land, agreeing to the above terms and conditions; the covenant shall provide that if other uses are established, that said uses shall be in conformance with uses which are permitted under the Zoning Ordinance, and said covenant shall be in a form acceptable to the Corporation Counsel, and a copy of the recorded covenant shall be provided to the City Community Development Department and to the Office of the Corporation Counsel.
- i. Compliance with all conditions of Ordinance 147-0-89 and with Ordinance 29-0-96 and the covenant recorded pursuant hereto.

SECTION 3: All provisions of Ordinance 147-0-89 are still in full force and effect except for the aforesaid condition one, which has been released by this Ordinance 29-0-96 and for which section 2a hereof has been substituted.

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

SECTION 5: 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 March 11, 1996

Adopted: March 25, 1996

Approved May 9 1996

Lorraine H. Norton
Mayor

ATTEST:

Lester Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

