

11/3/2005

121-O-05

AN ORDINANCE

Granting an Amendment to the Special Use Approved by Ordinances 33-O-80, 85-O-84, and 19-O-99, and a Major Variation to Allow Expansion of a Child Day Care Center at 2200 Main Street in an R2 Single-Family Residential District

WHEREAS, the City Council adopted Ordinance 33-O-80 on April 21, 1980, and adopted Ordinance 85-O-84 on July 23, 1984, to grant initial approval of a special use and its subsequent expansion, pursuant to the 1960 Zoning Ordinance, to permit a "child care institution" at 2200 Main Street (the "subject property"); and

WHEREAS, Ordinance 19-O-99 enacted by the City Council on March 22, 1999, pursuant to the 1993 Zoning Ordinance, allowed the construction on the subject use of a second floor addition above the one-story building and reconfiguration of the parking areas then existing; and

WHEREAS, the Infant Welfare Society of Evanston, Illinois, Inc., owner of the subject property, submitted an application, case no. ZBA 05-46-SU&V(R), to seek approval, pursuant to Section 6-8-3-3 of the Zoning Ordinance (the "Ordinance"), of an expansion to the special use granted by Ordinance 33-O-80 and a major variation from Section 6-8-3-7 of

the Ordinance, which requires a minimum thirty (30) -foot setback from the rear property line; and

WHEREAS, "child care institution" is a "child day care center" under the 1993 Zoning Ordinance; and

WHEREAS, the Zoning Board Appeals ("ZBA") held a public hearing on September 20, 2005, pursuant to proper notice, to consider the application, took testimony and received other evidence, and made a *verbatim* record and written findings that the application met the standards for special uses under Section 6-3-5 and major variations in Section 6-8-3-12, and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the ZBA's record, findings, and recommendation at its November 14, 2005 meeting, and recommended City Council approval thereof; and

WHEREAS, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and the Planning and Development Committee at its November 14, 2005 and November 28, 2005 meeting following a Rules Suspension to allow introduction and passage at the same 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 approves the special use applied for in case no. ZBA 05-46-SU&V(R) on property legally described as:

LOTS 1 AND 2 (EXCEPT THE WEST 5 FEET THEREOF) IN BLOCK 2 IN TRAVER'S SUBDIVISION OF THE NORTH 1/2 OF THE MIDDLE 1/3 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, AND COMMONLY KNOWN AS 2200 MAIN STREET.

SECTION 3: As provided for by Section 6-3-5-12 and Section 6-3-8-14, which provide, respectively, for City Council imposition of conditions upon the grants of special uses and variations, these conditions are hereby imposed:

a) This zoning relief is subject to construction and operation of the development in substantial compliance with the testimony, evidence, and documents presented by the Applicant in connection with this case and by the representations of the Applicant to the ZBA, Planning and Development Committee, and the City Council.

b) The subject use must conform to all applicable requirements of the Zoning Ordinance and all other applicable legislation.

c) Parking for the subject property continues to be governed in applicable part by the twenty-year easement executed pursuant to authorization granted by Resolution 14-R-99 adopted by the City Council on March 22, 1999.

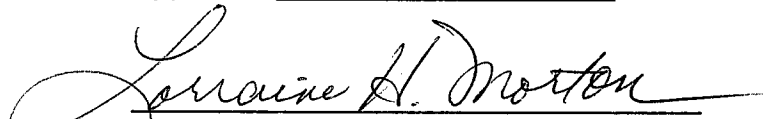
SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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: November 14, 2005

Adopted: November 14, 2005

Approved: November 15, 2005



Lorraine H. Morton, Mayor

Attest:



Mary P. Morris, City Clerk

Approved as to form:



Corporation Counsel

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Approved: December 13, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel