

4/10/2008

58-O-08

AN ORDINANCE

**Granting a Special Use
for the Expansion of a Hospital Building
Located at 2650 Ridge Avenue in the
R4 Residential and oH Hospital Overlay Zoning Districts
("Kellogg Cancer Center")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met, pursuant to proper notice, on February 19, 2008, and in case no. ZBA 08-03-SU, considered an application by Evanston Northwestern Healthcare Corporation (the "Applicant"), owner of the property at 2650 Ridge Avenue, located in the R4 General Residential and oH Hospital Overlay Zoning Districts (the "Subject Property"), for a Special Use to expand a hospital building pursuant to Section 6-15-10-7 of Title 6 of the Evanston City Code of 1979, as amended (the "Zoning Ordinance"); and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application met the standards for Special Uses set forth in Sections 6-3-5 and 6-15-10-10 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, the Planning and Development Committee of the City Council considered the ZBA's findings and recommendation at its April 28, 2008, meeting and recommended City Council approval thereof; and

WHEREAS, the City Council, at its April 28, 2008 meeting, considered and adopted the respective records and recommendations of the ZBA and the Planning and Development Committee,

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby adopts the ZBA's record, findings, and recommendation, and the Planning and Development Committee's record, findings, and recommendation, and hereby approves the Special Use applied for in case no. ZBA 08-03-SU, on property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 2650 Ridge Avenue, Evanston, Illinois.

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 following conditions are hereby imposed:

A. Compliance with Applicable Requirements:

Development and use of the Subject Property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the Zoning Board of Appeals, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case.

B. Penalty for Non-Compliance:

Should the City determine that the Applicant has failed to comply with any of the terms of this Ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in the notice within five (5) days, the Applicant shall owe the City a fine in the amount of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant is not in full compliance. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay the total fine assessed within thirty (30) days after written notice from the City to do so. If the Applicant fails to pay the total amount of the fine within the thirty (30) days after written notice from the City to do so, the City may revoke the Special Use granted by this Ordinance.

SECTION 4: That, except as otherwise provided for in this Ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 5: That, 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."

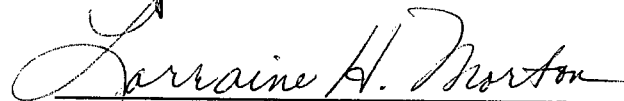
SECTION 6: That the Applicant shall record a certified copy of this ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the construction or operation of the proposed Special Use hereby authorized.


SECTION 7: That 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: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: 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: April 28, 2008 Approved:
Adopted: April 28, 2008 April 29, 2008


Lorraine H. Morton, Mayor

Attest:

Mary P. Morris, City Clerk

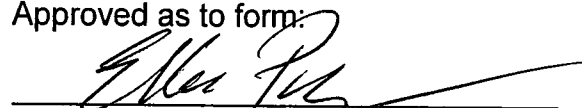
Approved as to form:

Corporation Counsel
Elke Tober-Purze, Interim

EXHIBIT A

Legal Description of 2650 Ridge Avenue

LOT 1 IN EVANSTON HOSPITAL CONSOLIDATION OF VARIOUS BLOCKS, LOTS, STREET, AND ALLEY IN THE SOUTHWEST $\frac{1}{4}$ AND IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

LOT 1 IN OPTHAMOLOGISTS' SUBDIVISION OF PART OF BLOCK 17 IN UNIVERSITY SUBDIVISION OF LOTS 21, 22, AND THE SOUTH $\frac{1}{2}$ OF LOT 20 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF THE OUILMETTE RESERVATION, IN TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF EVANSTON, IN COOK COUNTY, ILLINOIS.

