

3/9/2009  
2/23/2009  
2/19/2009

**17-O-09**

**AN ORDINANCE**

**Amending the Zoning Map and  
Granting a Special Use and Major Variations  
for a Private Educational Institution  
Located at 1200 Davis Street in the  
R4 General Residential Zoning District ("Roycemore")**

WHEREAS, Roycemore School (the "Applicant"), contract purchaser of the property located at 1200 Davis Street (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, applied, pursuant to the provisions of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"), for: an amendment to the Zoning Map to re-zone the Subject Property from O1 Office Zoning District ("O1 District") to R4 General Residential Zoning District ("R4 District"); a Special Use to operate a Private Educational Institution on the Subject Property, located in the aforementioned R4 District; and Major Variations regarding street-side yard depth and impervious surface coverage; and

WHEREAS, the Plan Commission and Zoning Board of Appeals ("ZBA") held joint public hearings on the application, case no. 08PLND-0120, pursuant to proper notice, on December 2, 2008, and January 14, 2009, heard testimony and received other evidence, made verbatim transcripts and written findings; and

**WHEREAS**, the ZBA's written findings recommended the City Council approve the application for Major Variations and a Special Use permit for a Private Educational Institution, subject to certain conditions, including the rezoning of the Subject Property from the O1 District to the R4 District; and

**WHEREAS**, the Plan Commission's written findings recommended the City Council deny the application for a Zoning Map amendment; and

**WHEREAS**, at its February 9, 2009 meeting, the Planning and Development Committee overruled the findings and recommendations of the Plan Commission, adopted the findings and recommendations of the ZBA, and directed City staff to prepare an ordinance; and

**WHEREAS**, at its February 23, 2009 meeting, the Planning and Development Committee recommended approval of the Map Amendment, Special Use, and Major Variations by the City Council; and

**WHEREAS**, at its March 9, 2009 meeting, the City Council considered, amended, and adopted the records and recommendations of the Planning and Development Committee, as amended,

**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 facts and made a part hereof.

**SECTION 2:** That the City Council hereby finds that the application for the proposed Zoning Map amendment meets the standards in Section 6-3-4-5 of the Zoning Ordinance for such an amendment.

**SECTION 3:** That the City Council hereby amends the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to re-zone the Subject Property from the O1 District to R4 District.

**SECTION 4:** That the City Council hereby grants the requested Special Use to permit the Applicant to operate a Private Educational Institution on the Subject Property.

**SECTION 5:** That the City Council hereby grants the following Major Variations to the requirements of the Zoning Ordinance in the R4 District:

- A. To permit a street-side yard of thirteen feet (13'), to abut Davis Street along the northern edge of the Subject Property. Subsection 6-8-5-7 (B)2 of the Zoning Ordinance requires street-side yards of fifteen feet (15'); and
- B. To permit a maximum impervious surface coverage of sixty-three percent (63%). Subsection 6-8-5-9 (A) of the Zoning Ordinance permits a maximum impervious surface coverage of fifty-five percent (55%).

**SECTION 6:** That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the requested Special Use and Major Variations:

- (A) The Applicant shall designate the proposed driveway, to be constructed on the western side of the Subject Property, as a one-way, northbound drive between Grove Street to the south and Davis Street to the north. To ensure this use, the Applicant shall post sign(s) indicating that the drive is one-way only.
- (B) The Applicant shall not construct the proposed driveway on the western side of the Subject Property, between Grove Street to the south and the existing surface parking lot to the north, with an impervious surface.

**SECTION 7:** That the deadline set forth in Subsection 6-3-5-15 (A) of the Zoning Ordinance notwithstanding, the Applicant shall have until March 1, 2011, to obtain a building permit for the Private Educational Institution on the

Subject Property, pursuant to the Special Use authorized by the terms of this ordinance.

**SECTION 8:** That the Applicant, at its cost, shall record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the construction of the proposed Special Use and/or Major Variations authorized by the terms of this ordinance.

**SECTION 9:** The Applicant shall develop and use the Subject Property in substantial compliance with: the terms of this ordinance; all applicable legislation; the Applicant's testimony and representations to the Plan Commission, ZBA, Planning and Development Committee, and the City Council; and the approved plans and documents on file in this case. To the extent that the terms and provisions of any of said documents conflict with the terms of this ordinance, this ordinance shall govern and control.

**SECTION 10:** That, when necessary to effectuate the terms, conditions, and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns, and successors in interest."

**SECTION 11:** That if any provision of this Ordinance or application thereof to any person or circumstance is held 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 12:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 13:** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 14:** That the Zoning Map amendment, Special Use, and Major Variations granted pursuant to this ordinance shall, without further action of the City Council, be null and void and of no further force or effect if the Applicant does not record a certified copy of this ordinance with the Office of the Cook County Recorder of Deeds on or before December 31, 2010.

Introduced: February 23, 2009

Approved:

Adopted: March 9, 2009

March 12, 2009



Lorraine H. Morton, Mayor

Attest:



Rodney Greene, City Clerk

Approved as to form:



Elke Tober-Purze, Interim  
First Assistant Corporation Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOTS 1 THROUGH 6 INCLUSIVE IN BLOCK 60 IN THE VILLAGE OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; EXCEPT THAT PART OF THE SOUTH 200.00 FEET OF LOTS 1, 2 AND 3 TAKEN AS A TRACT, LYING EAST OF THE WEST 108 FEET OF SAID LOTS IN COOK COUNTY ILLINOIS.

**PIN:** 11-18-307-012-0000

**COMMONLY KNOWN As:** 1200 Davis Street, Evanston, Illinois.