

12/13/2010
11/12/2010

90-O-10

AN ORDINANCE

**Granting a Special Use Permit for an Adult Daycare Center
Located at 524-26 Davis Street in the
D4 Downtown Transition Zoning District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on October 5, 2010, pursuant to proper notice, to consider case no. 10ZMJV-0074, an application by Omega Community Healthcare Organization (the “Applicant”), with permission of Ted Mavrakis, owner of the property legally described in Exhibit A, attached hereto and made a part hereof, commonly known as 524-26 Davis Street (the “Subject Property”) and located in the D4 Downtown Transition Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-11-5-3 of Title 6 of the Evanston City Code, 1979, as amended, (“the Zoning Ordinance”), a Daycare Center – Adult (“Adult Daycare Center”) 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 an Adult Daycare Center met the applicable standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meetings of November 22, 2010 and December 13, 2010, the Planning and Development Committee of the City Council (“P&D Committee”) considered, amended, and adopted the ZBA’s record and findings and recommended City Council approval thereof, as amended; and

WHEREAS, at its meeting of December 13, 2010, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA as amended by the P&D 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 approves the Special Use Permit for an Adult Daycare Center on the Subject Property as applied for in case 10ZMJV-0074.

SECTION 3: That, pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of a Special Use Permit, violation of any of which shall constitute grounds for revocation of said Special Use Permit pursuant to Subsection 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 testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Clientele:** The following conditions shall apply to the clients of the Adult Daycare Center authorized by the terms of this ordinance:
1. Said clients shall be at least sixty-five (65) years of age;
 2. The mean annual number of full-time clients shall not exceed twenty (20);
 3. The Applicant shall, to the extent practicable and permissible by applicable laws and regulations, give Evanston residents priority when accepting applicants as clients; and
 4. The Applicant shall not prohibit clients from entering and exiting the Subject Property at their discretion during business hours.

- C. **Cooking Prohibited:** No food shall be cooked or prepared in the Adult Daycare Center authorized by the terms of this ordinance.
- D. **Smoking Area:** The Applicant shall establish a smoking area at the rear of the Subject Property.
- E. **Alley Use:** Vehicles operated for the benefit of the Adult Daycare Center authorized by the terms of this ordinance shall drop-off and pick-up clients via the alley at the rear of the property. All deliveries to said Adult Daycare Center shall be made via said alley.
- F. **Parking Plan:** The Applicant and its employees shall not occupy any on-street parking spaces while working at the Adult Daycare Center authorized by the terms of this ordinance.
- G. **Streetscape Plan:** Before it may begin operation of the Adult Daycare Center authorized by the terms of this ordinance, the Applicant shall submit a streetscape plan for review and approval by the City of Evanston Director of Community and Economic Development or his/her designee, designed to enliven the streetscape adjacent to the facility, especially during normal business hours when said Center is not in operation. The plan shall require that the storefront windows on the Subject Property maintain a degree of transparency substantially similar to establishments on the same city block. The plan may include window displays containing artwork, photographs or other items of visual interest. The plan may include allowing other active uses to occupy the Subject Property temporarily when the Adult Daycare Center authorized by the terms of this ordinance is not in operation. After receiving the City's approval, the Applicant shall execute the plan.
- H. **Permit Non-transferable:** The Special Use Permit for an Adult Daycare Center, authorized by the terms of this ordinance, is granted to Omega Community Healthcare Organization only, and shall not be for the benefit of the Subject Property.

SECTION 4: That, 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 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 7: 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 22, 2010

Approved:

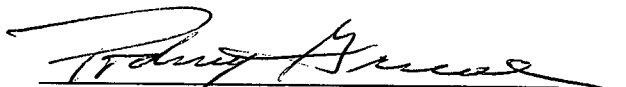
Adopted: December 13, 2010

December 15, 2010


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, City Attorney

EXHIBIT A

LEGAL DESCRIPTION

SUB-LOTS 1 TO 5 INCLUSIVE, IN THE SUBDIVISION OF LOTS 11 AND 12 IN BLOCK 26 IN EVANSTON IN THE SOUTHEAST FRACTIONAL $\frac{1}{4}$ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-108-047-0000

COMMONLY KNOWN AS: 524-26 Davis Street, Evanston, Illinois.

