

10/24/2011
10/3/2011

88-O-11

AN ORDINANCE

**Granting a Special Use Permit for a Bed and Breakfast Establishment
Located at 300 Church Street in the
R1 Single-Family Residential Zoning District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on August 2, 2011, pursuant to proper notice, to consider case no. 11ZMJV-0028, an application filed by Evergreen Manor, LLC (the “Applicant”), contract purchaser of the of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 300 Church Street (the “Subject Property”) and located in the R1 Single-Family Residential Zoning District (“R1 District”), for a Special Use Permit to establish, pursuant to Section 6-4-7 and Subsection 6-8-2-4 of Title 6 of the Evanston City Code, 1979, as amended (“the Zoning Ordinance”), a Bed and Breakfast Establishment (“B&B”) 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 a B&B did not meet the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council deny the application; and

WHEREAS, at its meetings of September 12, 2011 and October 24, 2011, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council reject the ZBA’s recommendation and instead approve the application in case no. 11ZMJV-0028; and

WHEREAS, at its meetings of September 12, 2011, October 24, 2011, and November 14, 2011, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, and adopted those of the P&D Committee,

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

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

SECTION 2: The City Council hereby approves the Special Use Permit for a B&B on the Subject Property as applied for in case no. 11ZMJV-0028.

SECTION 3: 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 thereof 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 Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- (B) Operator Restricted:** Pursuant to Subsection 6-3-5-15-(C) of the Zoning Ordinance, the Special Use Permit for a B&B, granted by the terms of this ordinance, shall relate to the operator of said B&B and not the Subject Property. The Special Use Permit authorized by the terms of this ordinance shall automatically terminate without further action by the City, and be rendered null, void, and of no further force or effect, upon the later of the following to occur: the date James N. Pritzker dies, becomes incapacitated, and/or ceases to have an ownership interest in the B&B; or the date the owner-occupant, who operates the B&B at the time Mr. Pritzker dies, becomes incapacitated, and/or ceases to have an ownership interest in the B&B, ceases to own, occupy, and/or operate said B&B. The Applicant shall notify the City within ten (10) business days of any change in owner-occupant-operator and/or Mr. Pritzker's death, incapacitation, or cessation of ownership interest in the B&B.

- (C) **No Basement Kitchen:** The Applicant shall not install cooking facilities in the basement of the Subject Property.
- (D) **Coach House Occupancy Restricted:** Pursuant to Subsection 6-4-7-(B) of the Zoning Ordinance, the coach house on the Subject Property shall not be used as living quarters for guests of the B&B authorized by the terms of this ordinance.
- (E) **Off-Street Parking:** Before the Applicant may apply for a B&B license, as required by Subsection 6-4-7-(G) of the Zoning Ordinance and Section 8-22-2 of the City Code, it shall lease no fewer than one (1) parking space that is located not more than one thousand feet (1,000') from the Subject Property and reserved for guests of the B&B authorized by the terms of this ordinance. Said space may be leased from a private entity and/or the City in the City's Church and Chicago self-park garage. For as long as the Applicant operates said B&B, it shall maintain and keep current said lease and comply with all terms and/or conditions thereof.

SECTION 4: 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 5: 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 6: 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: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.


SECTION 9: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: October 24, 2011

Approved:

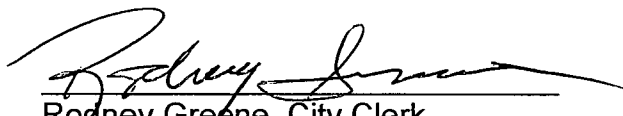
Adopted: November 14, 2011

November 16, 2011


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description****PARCEL 1:**

THE SOUTH 150 FEET OF LOTS 5 AND 6, (TAKEN AS A TRACT), IN BLOCK 16 IN THE ORIGINAL VILLAGE, NOW THE CITY OF EVANSTON, EXCEPTING FROM SAID PREMISES THE WEST 50 FEET AND ALSO EXCEPT THE EAST 25 FEET OF THE WEST 75 FEET OF THE SOUTH 50 FEET OF THE NORTH 60 FEET OF SAID LOT 6, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PARCEL 1A:

EASEMENT FOR THE BENEFIT OF PARCEL 1 AFORESAID FOR RIGHT OF WAY FOR INGRESS AND EGRESS IN, OVER AND UPON THE NORTH 10 FEET OF THE EAST 65 FEET OF LOT 6 AND THE SOUTH 2 FEET OF THE EAST 65 FEET OF LOT 7 IN BLOCK 16 IN THE ORIGINAL VILLAGE, NOW CITY OF EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, AS CREATED BY WARRANTY DEED FROM CONRAD SCHMEISSER AND ANNA SCHMEISSER, HIS WIFE, TO HENRY HUNTON, DATED JUNE 5, 1915 AND RECORDED JUNE 24, 1915, AS DOCUMENT 5660422, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 50 FEET OF LOT 5 AND THE WEST 50 FEET OF THE SOUTH 15 FEET OF LOT 6 IN BLOCK 16 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PARCEL 2A:

EASEMENT FOR THE BENEFIT OF PARCEL 2 AS CREATED BY GRANT FROM CONRAD SCHMEISSER AND ANNA, HIS WIFE TO JENNIE M. BEAKE AND HELEN S. BEAKE, DATED FEBRUARY 15, 1912 AND RECORDED FEBRUARY 16, 1912 AS DOCUMENT 4914908 FOR PASSAGEWAY OVER THE SOUTH 5 FEET OF THE NORTH 65 FEET OF THE WEST 50 FEET OF LOT 6 IN BLOCK 16 IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN.

PINs: 11-18-127-003-0000
11-18-127-004-0000

COMMONLY KNOWN As: 300 Church Street, Evanston, Illinois.

