

1/9/2012  
1/3/2012

**6-0-12**

**AN ORDINANCE**

**Granting a Special Use Permit for a Child Daycare Center  
Located at 1629 Orrington Avenue in the  
D3 Downtown Core Development Zoning District**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on January 3, 2012, pursuant to proper notice, to consider case no. 11ZMJV-0080, an application filed by Bright Horizons Children’s Centers, LLC (the “Applicant”), contract lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1629 Orrington Avenue (the “Subject Property”) and located in the D3 Downtown Core Development Zoning District (“D3 District”), for a Special Use Permit to establish, pursuant to Section 6-4-2 and Subsection 6-11-4-3 of Title 6 of the Evanston City Code, 1979, as amended (“the Zoning Ordinance”), a Child Daycare Center on the Subject Property; and

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**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 met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended that City Council grant the application with conditions; and

**WHEREAS**, at its meeting of January 9, 2012, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approve the application in case no. 11ZMJV-0080; and

**WHEREAS**, at its meetings of January 9, 2012 and January 23, 2012, the City Council considered, amended, and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended.

**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 Child Daycare Center on the Subject Property as applied for in case no. 11ZMJV-0080.

**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:

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- (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) Hours of Operation:** The Applicant shall not operate the Special Use authorized by this ordinance between midnight and 6:00 a.m. on any day.
  - (C) Employee Parking:** The Applicant shall maintain a lease for no fewer twenty-six (26) off-street parking spaces on the Subject Property for its employees.
  - (D) Passenger Loading/Unloading:** No fewer than twenty (20) off-street parking spaces on the Subject Property shall be restricted to twenty (20)-minute parking between the hours of 7:00 and 9:30 a.m. and 3:30 and 6:30 p.m. on any day the Applicant operates the Special Use authorized by this ordinance.

(E) **Operator Restricted:** Pursuant to Subsection 6-3-5-15-(C) of the Zoning Ordinance, the Special Use Permit granted by the terms of this ordinance, shall relate to the Applicant only, not the Subject Property.

(F) **Real Estate Taxes:** In the event that Applicant becomes exempt from the payment of real estate taxes, it shall make annual payments *in lieu* of taxes, at the then-current rate applied to that portion of the Subject Property it occupies, to the City of Evanston, Evanston/Skokie Community Consolidated School District 65, and Evanston Township High School District 202, for a period of thirty (30) years or for as long as it operates the Special Use authorized by this ordinance, whichever ends first.

**SECTION 4:** 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:** 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.

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

**SECTION 7:** 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 8:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 9, 2012

Approved:

Adopted: January 23, 2012

January 25, 2012

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene  
Rodney Greene, City Clerk

W. Grant Farrar  
W. Grant Farrar, Corporation Counsel

**EXHIBIT A****Legal Description**

STREET ADDRESS: 1603 and 1629 ORRINGTON AVENUE  
 CITY: EVANSTON  
 COUNTY: COOK  
 PERMANENT INDEX  
 NUMBERS: 11-18-306-005-0000  
 11-18-306-007-0000  
 11-18-306-032-0000  
 11-18-306-035-0000  
 11-18-306-036-0000  
 11-18-306-034-0000

## Parcel 1:

Lots 6 and 7 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, and Lot 1 in the subdivision of Lots 8 and 9 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, together with all of the 16 foot vacated alley lying northerly of and adjoining said Lot 1.

## Parcel 2:

Lots 2, 3, 4 and 5 in the subdivision of Lots 8 and 9 in Block 19 in Evanston, together with all of the 16 foot vacated alley lying northerly of and adjoining said Lots 2, 3, 4 and 5, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois.

## And Also:

Lot 4 and Lot 5 in Block 19 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, except that part of said Lots 4 and 5 in Block 19 included in the following parcel: That part of Lots 4 and 5 taken as a single tract, in Block 19, in Evanston, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, described as follows: Commencing at the Northwest corner of said Lot 4; thence South on the West line of said tract, 100.56 feet to the North face and its extension of a brick wall; thence East along the North face and its extension of said brick wall, 210.44 feet to the East line of said Lots 4 and 5; thence North on the East line of said tract, 100.10 feet to the Northeast corner of Lot 4; thence West on the North line of said Lot 4, 210.42 feet to the place of beginning, said tract to have a lower limit of 19.66 feet, City of Evanston Datum, which lies within an undisturbed concrete slab, used as a floor for said tract and used as a ceiling for an underground parking garage.

## Parcel 3:

That part of Lots 4 and 5, taken as a single tract, in Block 19, in Evanston, in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian in Cook County, Illinois, described as follows: Commencing at the Northwest corner of said Lot 4; thence South on the West line of said tract, 100.56 feet to the North face and its extension of a brick wall; thence East along the North face and its extension of said brick wall, 210.44 feet to the East line of said Lots 4 and 5; thence North on the East line of said tract, 100.10 feet to the Northeast corner of Lot 4; thence West on the North line of said Lot 4, 210.42 feet to the place of beginning, said tract to have a lower limit of 19.66 feet, City of Evanston Datum, which lies within an undisturbed concrete slab, used as a floor for said tract and used as a ceiling for an underground parking garage.