

2/7/2012

19-O-12

AN ORDINANCE

**Granting a Special Use Permit for a Child Daycare Center
Located at 829 Foster Street in the B1 Business Zoning District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on February 7, 2012, pursuant to proper notice, to consider case no. 11ZMJV-0088, an application filed by Unity Nursery School, LLC (the "Applicant"), contract lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 829 Foster Street (the "Subject Property") and located in the B1 Business Zoning District ("B1 District"), for a Special Use Permit to establish, pursuant to Subsection 6-9-2-3 of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"), a Child 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 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 February 13, 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-0088; and

WHEREAS, at its meetings of February 13, 2012 and February 27, 2012, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and 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 hereby found as fact and incorporated herein by reference.

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-0088.

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) **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) **Parking:** When driving to work at the Special Use authorized by this ordinance, the Applicant and its employees shall park only in off-street parking spaces.
- (D) **Passenger Loading/Unloading:** The Applicant shall secure and maintain a lease for a loading/unloading zone that is located not more than two hundred fifty feet (250') from the Subject Property. For as long as the Applicant operates the Special Use authorized by this ordinance, it shall maintain and keep current said lease and comply with all terms and/or conditions thereof.

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.

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: February 13, 2012

Approved:

Adopted: February 27, 2012

February 29, 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

THE WEST 24 FEET OF LOT 10 AND ALL OF LOT 11 IN BLOCK 2 IN WHEELER AND OTHERS' SUBDIVISION OF THAT PART OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF SHERMAN AVENUE, IN COOK COUNTY, ILLINOIS.

PIN: 11-18-104-019-0000

Commonly Known As: 829 Foster Street, Evanston, Illinois.