

12/26/2013

14-O-14

AN ORDINANCE

**Granting a Special Use Permit for a Retirement Home Located at
1300 Oak Avenue in the R5 General Residential District
("Evanston Nursing Home")**

WHEREAS, Yosef Meystel (the "Applicant"), owner of the property commonly known as 1300 Oak Avenue (the "Subject Property"), located within the R5 General Residential Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking a Special Use Permit to establish, pursuant to Subsection 6-8-7-3 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), a Retirement Home on the Subject Property, along with Major Variations to land use requirements imposed by Subsections 6-8-7-7-A-1, 6-8-7-6, and 6-8-7-9-A of the Zoning Ordinance; and

WHEREAS, on December 17, 2013, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 13ZMJV-0119 to consider the application, receive testimony, and made written records and findings that the application did meet the standards for Special Uses in Section 6-3-5 and Major Variations in Section 6-3-8-12-(E) of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of January 13, 2014, 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. 12ZMJV-0119; and

WHEREAS, at its meetings of January 13, 2014 and January 27, 2014, 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 found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a Retirement Home and Major Variations on the Subject Property as applied for in case no. 13ZMJV-0119 and described hereinabove.

SECTION 3: The Major Variations approved hereby are as follows:

- (A) To permit a front yard setback of 8' where 27' is required on the Subject Property. Subsection 6-8-7-7-A-1 of the Zoning Ordinance requires a 27' setback.
- (B) To permit 69.5% building lot coverage where a maximum 45% is allowed on the Subject Property. Subsection 6-8-7-6 of the Zoning Ordinance prohibits building lot coverage in excess of 45%.
- (C) To permit an 85% impervious surface coverage where a maximum 60% is allowed on the Subject Property. Subsection 6-8-7-9-A of the Zoning Ordinance prohibits impervious surface coverage in excess of 60%.

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 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. Recordation: 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: 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 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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 9: 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.

Introduced: January 13, 2014

Adopted: January 27, 2014

Approved:

January 29, 2014

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk

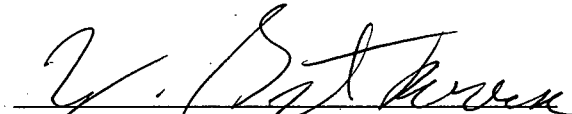

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

LOT 1 IN BLOCK 43 IN CATHERINE M. WHITE'S RESUBDIVISION OF BLOCK 43 IN THE VILLAGE OF EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

PIN: 11-18-326-011-0000

Commonly Known As: 1300 Oak Avenue, Evanston, Illinois 60201