

9/30/2014
11/13/2014

120-O-14

AN ORDINANCE

Granting a Special Use Permit for a Child Daycare Center Located at 1909 – 1911 Howard Street in the C1 Commercial District (“A Step By Step Learning Academy, Inc.”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on September 23, 2014, pursuant to proper notice, to consider case no. 14ZMJV-0111, an application filed by Joy Shumate, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1909 – 1911 Howard Street (the “Subject Property”) and located in the C1 Commercial District, for a Special Use Permit to establish, pursuant to Subsection 6-10-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Child Daycare Center, “A Step By Step Learning Academy, Inc.,” 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 Child Daycare Center met the 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 October 13, 2014 and November 24, 2014, the Planning and Development Committee of the City Council (“P&D Committee”) received input from the public, carefully considered and adopted the findings and recommendations of the ZBA in case no. 14ZMJV-0111; and

WHEREAS, after the October 13, 2014 meeting of the P&D Committee, the Applicant submitted an amended application, inclusive of a letter of intent by the Subject Property owner for the commercial lease of said Subject Property; and

WHEREAS, at its meetings of November 24, 2014, the P&D Committee received input from the public, carefully considered the amended application, amended and adopted the applicable findings and recommendations of the ZBA's recommendation and approve the amended application in case no. 14ZMJV-0111; and

WHEREAS, at its meeting of November 24, 2014 and December 8, 2014, the City Council considered 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 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. 14ZMJV-0111.

SECTION 3: 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. **Hours of Operation:** The Applicant shall operate the Child Daycare Center authorized by this ordinance only between the hours of 6:00 a.m. and 9:00 p.m. on any given day.
- D. **Employee Parking:** Employees shall not park on the street during hours of operation.
- E. **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 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: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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

SECTION 7: 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 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.

Introduced: November 04 2014

Approved:

Adopted: November 24, 2014

December 3, 2014

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOT 1 IN BLOCK 1 IN OLIVER SALINGER AND COMPANY'S SECOND HOWARD STREET ADDITION, IN THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. THE WEST 125 FEET OF THE EAST 158 FEET OF THE NORTH 40 FEET OF THE SOUTH 2.572 CHAINS OF THE EAST 19.43 CHAINS OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 10-25-113-045-0000

COMMONLY KNOWN AS: 1909 – 1911 Howard Street, Evanston, Illinois.