

7/25/2018
8/15/2018

84-O-18

AN ORDINANCE

Granting a Special Use Permit for a Daycare Center – Domestic Animal and a Kennel Located at 2118-2120 Ashland Avenue, 1625 Payne Street, 2147-2149 Dewey Avenue in the MXE Mixed-Use Employment District (“Rex’s Place”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on July 17, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0058, an application filed by Kathy Lichtenstein (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2118-2120 Ashland Avenue, 1625 Payne Street, and 2147-2149 Dewey Avenue (the “Subject Property”) and located in the MXE Mixed-Use Employment Zoning, for a Special Use Permit to establish, pursuant to Subsection 6-13-4-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Daycare Center – Domestic Animal and a Kennel, “Rex’s Place,” 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 Daycare Center – Domestic Animal and a Kennel 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 meeting of August 13, 2018, 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. 18ZMJV-0058; and

WHEREAS, at its meetings of August 13, 2018 and September 10, 2018, 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 Daycare Center – Domestic Animal and a Kennel on the Subject Property as applied for in case no. 18ZMJV-0058.

SECTION 3: Pursuant to Subsection 6-9-5-3 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 6-3-5 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 may only open to the general public the Daycare Center – Domestic Animal and a Kennel for drop-off and pick-up between the hours of 6:00 a.m. and 7:00 p.m. on any given day.
- C. Sound Abatement:** The Applicant shall fit or retrofit all of the Subject Property with sound abatement measures to minimize the amount of sound audible to neighbors, including complaints that may occur after initial sound abatement measures.

- D. **Loading Zone:** The Applicant shall obtain approval from the City of Evanston for all loading zone pick-up and drop-of plans.
- E. **Dog Walking Prohibited:** No dog walking shall occur in Twiggs Park and the grassy neighborhood areas surrounding the Subject Property.
- F. **Operational Limitations:** The interiors of the single family residences located at 2147 – 2149 Dewey Avenue shall not be used for the operation of a Daycare Center – Domestic Animal, and shall not be used as a kennel.
- F. **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.

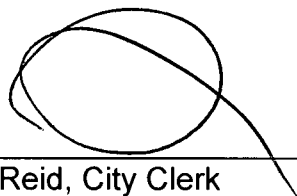
SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, 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: August 13, 2018

Adopted: September 17, 2018

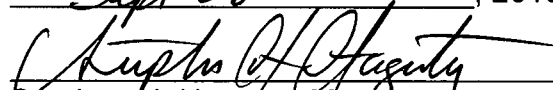
Attest:



Devon Reid, City Clerk


Approved:

Sept 28, 2018



Stephen H. Hagerty, Mayor

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOTS 5, 6, AND 7 IN THAYER RESUBDIVISION OF LOTS 1 TO 8 INCLUSIVE OF BLOCK 7 IN PAYNE'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 10-12-421-018-0000, 10-12-421-017-0000, 10-12-421-006-0000

COMMONLY KNOWN As: 2118-2120 Ashland Avenue, Evanston, Illinois.

LOTS 9 AND 10 IN BLOCK 6 IN PAYNE'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-12-415-007-0000
10-12-415-006-0000

COMMONLY KNOWN As: 1625 Payne Street, Evanston, Illinois.

LOT 11 IN BLOCK 6 IN PAYNE'S ADDITION TO EVANSTON IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-12-415-005-0000

COMMONLY KNOWN As: 2147 Dewey Avenue, Evanston, Illinois.

PART OF LOT 12 IN BLOCK 6 IN PAYNE'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-12-415-004-0000

COMMONLY KNOWN As: 2149 Dewey Avenue, Evanston, Illinois.