

**104-O-18**

**AN ORDINANCE**

**Granting a Special Use Permit for a Daycare Center – Child and a Major Variation Related to 2200 Main Street in the R2 Single Family Residential District (“Infant Welfare Society of Evanston”)**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on August 28, 2018, pursuant to proper notice, to consider case no. 18ZMJV-0067, an application filed by DonnaLee Floeter (the “Applicant”), architect of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2200 Main Street (the “Subject Property”) and located in the R2 Single Family Residential District, for a Special Use Permit to establish, pursuant to Subsection 6-8-3-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Daycare Center – Child, “Infant Welfare Society of Evanston,” and approval of a Major Variation to zoning requirements imposed by Subsection 6-8-3-7(B)(3) on the Subject Property; and

**WHEREAS**, the Applicant requested the following Major Variations from the Zoning Board of Appeals:

- (A) The Applicant requests a west interior side yard setback of six and one tenth of a foot (6.1’) where an west interior side yard setback of fifteen feet (15’) is required on the Subject Property;

**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 – Child and a west interior side yard setback of six and one tenth (6.1’) feet (6.1’) met the standards for Special Uses in Section 6-3-5 and Major Variations in 6-3-8-12(E) of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of September 17, 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-0067; and

**WHEREAS**, at its meeting of September 17, 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 – Child and a west interior side yard setback of six and one tenth of a foot (6.1’) on the Subject Property as applied for in case no. 18ZMJV-0067.

**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 – Child for drop-off and pick-up between the hours of 6:00 a.m. and 8:00 p.m. on any given day.

- C. **Parking:** The Applicant shall continue to explore alternative staff parking options that can alleviate the parking demand on Hartrey Avenue.
- 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.

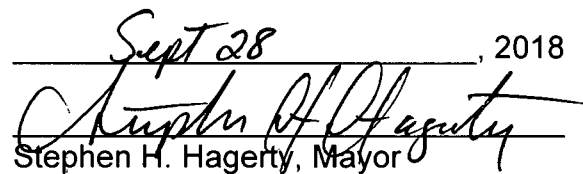
**SECTION 8:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 17, 2018

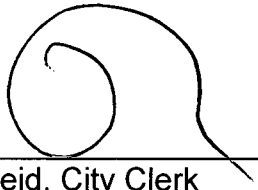
Approved:

Adopted: September 17, 2018

Sept 28, 2018

  
Stephen H. Hagerty, Mayor

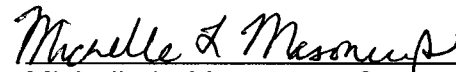
Attest:

A handwritten signature in black ink, consisting of a large, stylized loop that starts at the top left, curves around to the right, and then loops back down and to the left, ending with a short horizontal stroke.

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Devon Reid, City Clerk

Approved as to form:

A handwritten signature in black ink, written in a cursive style. The first name 'Michelle' is written in a larger, more prominent script, followed by 'L. Masoncup' in a smaller, more compact script.

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Michelle L. Masoncup, Corporation  
Counsel

**EXHIBIT A**

**LEGAL DESCRIPTION**

LOT 1 AND 2 IN BLOCK 2 (EXCEPT THE WEST 5.0 FEET OF SAID LOTS) IN TRAVER'S SUBDIVISION OF THE NORTH 1/2 OF THE MIDDLE 1/3 OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PINs:** 10-24-301-0190000  
10-24-301-020-0000

**COMMONLY KNOWN As:** 2200 Main Street, Evanston, Illinois.