

125-O-13

AN ORDINANCE

**Granting a Special Use Permit for a
Commercial Indoor Recreation Facility
Located at 2800 Central Street in the
B1a Business and oCSC Central Street Overlay Zoning Districts
("Orangetheory Fitness")**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on November 5, 2013, pursuant to proper notice, to consider case no. 13ZMJV-0105, an application filed by David Lanz, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2800 Central Street (the "Subject Property") and located in the B1a Business and oCSC Central Street Overlay Zoning Districts, for a Special Use Permit to establish, pursuant to Subsection 6-9-5-3 of Title 6 of the Evanston City Code, 2012, as amended (the "Zoning Ordinance"), a Commercial Indoor Recreation Facility 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 City Council approval thereof; and

WHEREAS, at its meeting of November 11, 2013, 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-0105; and

WHEREAS, at its meeting of November 11, 2013, 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 an Indoor Commercial Recreation Facility on the Subject Property as applied for in case no. 13ZMJV-0105.

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 not operate the Special Use authorized by this ordinance before 5:00 a.m. or after 10:00 p.m. on any day.
- C. Employee Parking:** When driving to work at the Special Use authorized by this ordinance, the Applicant and its employees shall not park in any on-street parking spaces.
- D. 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 11, 2013

Approved:


Adopted: November 11, 2013

November 13, 2013


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 4 IN E.T. POUL'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF PART OF THE N.E. FRACTIONAL $\frac{1}{4}$ OF SECTION 11 AND THE N.W. FRACTIONAL $\frac{1}{4}$ OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 10-11-202-013-0000

COMMONLY KNOWN AS: 2800 Central Street, Evanston, Illinois.