

8/26/2014

106-O-14

AN ORDINANCE

Granting a Special Use Permit for a Commercial Indoor Recreational Facility Located at 2008 Dempster Street in the I2 General Industrial District ("Goldfish Swim School")

WHEREAS, the Zoning Board of Appeals ("ZBA") met on August 5, 2014, pursuant to proper notice, to consider case no. 14ZMJV-0087, an application filed by Richard Simtob, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2008 Dempster Street (the "Subject Property") and located in the I2 General Industrial District, for a Special Use Permit to establish, pursuant to Subsection 6-14-3-2 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), a Commercial Indoor Recreational Facility, "Goldfish Swim School," 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 Commercial Indoor Recreational Facility 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 September 8, 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. 14ZMJV-0087; and

WHEREAS, at its meetings of September 8, 2014 and September 22, 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 Commercial Indoor Recreational Facility on the Subject Property as applied for in case no. 14ZMJV-0087.

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 Commercial Indoor Recreational Facility authorized by this ordinance only between the hours of 6:00 a.m. and 10:00 p.m. on any given day.
- C. **Lighting Plan:** The Applicant shall submit to the City of Evanston a lighting plan which shall be approved for safety.
- 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: September 8, 2014

Approved:

Adopted: September 8, 2014

September 10, 2014

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

LOTS 8, 9, 10, 11 AND 12 IN RUTT'S RESUBDIVISION OF BLOCK 1 IN PITNER AND SONS 3RD ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE NORTH WEST ¼ OF THE NORTH WEST ¼ OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, TOGETHER WITH THE TENEMENTS AND APPURTENANCES THEREUNTO BELONGING.

PINs: 10-24-102-065-0000
10-24-102-066-0000

COMMONLY KNOWN As: 2008 Dempster Street, Evanston, Illinois.