

157-O-15

AN ORDINANCE

Granting a Special Use Permit for a Commercial Indoor Recreational Facility Located at 1706 Central Street in the B1a Business and the oCSC Central Street Corridor Overlay Districts (“9 Round Fitness”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on November 3, 2015, pursuant to proper notice, to consider case no. 15ZMJV-0090, an application filed by James Battinus, Ken Battinus and Jeff Battinus, lessees of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1706 Central Street (the “Subject Property”) and located in the B1a Business and oCSC Central Street Corridor Overlay Districts, for a Special Use Permit to establish, pursuant to Subsections 6-9-5-3 and 6-15-14-7 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a Commercial Indoor Recreational Facility, “9 Round Fitness,” 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 November 23, 2015, 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. 15ZMJV-0090; and

WHEREAS, at its meeting of November 23, 2015, 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. 15ZMJV-0090.

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 9:00 p.m. on any given day.
- C. Employee Parking:** Employees shall not park on residential streets during hours of operation.
- 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 23, 2015

Approved:

Adopted: November 23, 2015

December 2, 2015

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk (LRS)

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOT 1 IN EASTWOOD OF EVANSTON PLAT OF CONSOLIDATION OF LOTS 5, 6, 7, 8, 9 AND 10 IN BLOCK 9 IN NORTH EVANSTON, BEING A SUBDIVISION OF LOTS 11, 12, 13, 14, 15, 16 AND THE WEST 4.3 ACRES OF LOT 17 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF THE ARCHANGE QUILMETTE RESERVATION RECORDED IN BOOK 29, PAGE 58 OF MAPS AND ALSO OF LOTS 1, 3 AND THAT PART OF LOT 2, LYING BETWEEN THE CHICAGO AND MILWAUKEE RAILWAY AND THE WEST LINE OF LOT 3 PRODUCED TO THE NORTH LINE OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, OF ASSESSORS PLAT OF EVANSTON, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 13, 2012 AS DOCUMENT NUMBER 1210431048, ALL IN COOK COUNTY, ILLINOIS.

PIN: 10-12-201-008-0000

COMMONLY KNOWN As: 1706 Central Street, Evanston, Illinois.