

11/12/2015

161-O-15

AN ORDINANCE

Granting a Special Use Permit for a Commercial Indoor Recreational Facility Located at 614 Dempster Street in the B2 Business and the oDM Dempster-Main Overlay Districts (“North Shore Athletics”)

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on November 17, 2015, pursuant to proper notice, to consider case no. 15ZMJV-0096, an application filed by Derek DeLapp, lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 614 Dempster Street (the “Subject Property”) and located in the B2 Business and oDM Dempster-Main 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, “North Shore Athletics,” 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 December 14, 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-0096; and

WHEREAS, at its meeting of December 14, 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-0096.

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: December 14, 2015

Approved:

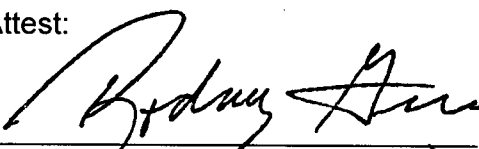
Adopted: December 14, 2015

December 17, 2015


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk (WS)


W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

THAT PORTION OF LOTS 4 AND 5 IN THE RESUBDIVISION OF NORTH 175 FEET OF BLOCK 1 IN SNYDER'S ADDITION TO EVANSTON, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTH LINE OF SAID LOTS AT A POINT 50 FEET EAST OF THE RIGHT OF WAY OF CHICAGO AND NORTHWESTERN RAILROAD, MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID RIGHT OF WAY, RUNNING THENCE SOUTH ON A LINE PARALLEL TO SAID 50 FEET EASTWARDLY OF SAID RIGHT OF WAY TO THE SOUTH LINE OF SAID LOT 4, THENCE EAST ON THE SOUTH LINE OF LOT 4 TO THE EAST LINE OF SAID LOT 4, THENCE NORTH ON THE EAST LINE THEREOF, A DISTANCE OF 128 FEET TO THE NORTH LINE THEREOF, THENCE WEST ON THE NORTH LINE OF SAID LOTS 4 AND 5 TO THE POINT OF BEGINNING IN COOK COUNTY, ILLINOIS.

PIN: 11-19-105-001-0000

COMMONLY KNOWN AS: 614 Dempster Street, Evanston, Illinois.