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Cook County Recorder 37.00

ORDINANCE NO. 98-25

AN ORDINANCE GRANTING A SPECIAL PERMIT
FOR THE OPERATION OF A PHYSICAL FITNESS
TRAINING FACILITY AT 636 ANTHONY TRAIL

(THE TRAINERS CLUB)
(PLAN COMMISSION DOCKET NO. 98-4)

Passed by the Board of Trustees, June 9, 1998

Printed and Published, June 10, 1998

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

BOX 337

I hereby certify that this document
was properly published on the date
stated above.

/s/ Lona N. Louis

Village Clerk

I hereby certify this to be a true and exact copy of the
original.

8/20/98 Lona N. Louis
Date Village Clerk

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A. Compliance with Plans. The development, use, and maintenance of the Subject Property shall be in strict accordance with the floor plan submitted by the Applicant, a copy of which is attached hereto and, by this reference incorporated herein as Exhibit B, except for minor changes and site work approved by the Director of Development or the Village Engineer (for matters within their respective permitting authorities) in accordance with applicable Village standards.

B. Use of the Subject Property. The use of the Subject Property shall be limited to Northbrook SIC Code No. 7991.001 entitled "Physical Fitness Facilities."

C. Hours of Operation. The hours of operation of the Facility shall be limited to 6 a.m. to 8:30 p.m. seven days a week.

D. Youth Group Activities Prohibited. The Facility shall not be used for activities involving groups of greater than three persons below 18 years of age.

Section 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit granted in Section 4 above shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the special permit unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Subject Property shall be governed solely by the regulations of the I-1 Restricted Industrial District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices have been given and public hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice required by this Section is given.

Section 7. AMENDMENT TO SPECIAL PERMIT.

Any amendment to the special permit granted in Section 4 above, that may be requested by the Applicant after the Effective Date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

Section 8. BINDING EFFECT: NON-TRANSFERABILITY.

The privileges, obligations, and provisions of each and every section of this Ordinance are for the sole benefit of, and shall inure to the benefit of, and are and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow the privileges, obligations, and provisions of this Ordinance to be transferred to any person or entity other than the Applicant without a new application for any person or entity other than the Applicant.

UNOFFICIAL COPY

ORDINANCE NO. 98-25

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

AN ORDINANCE GRANTING A SPECIAL PERMIT FOR THE OPERATION OF A PHYSICAL FITNESS TRAINING FACILITY AT 636 ANTHONY TRAIL

(THE TRAINERS CLUB)
(PLAN COMMISSION DOCKET NO. 98-4)

be and is hereby adopted as follows:

Section 1. BACKGROUND.

The Trainers Club, of Northbrook, Illinois (the "Applicant") is the tenant in the property commonly known as 636 Anthony Trail, Northbrook, Illinois (the "Subject Property"). The Subject Property is currently zoned I-1, Restricted Industrial. The Applicant is currently operating a physical fitness training facility in violation of the Northbrook Zoning Code (1998). However, the Applicant has executed an agreement which provides for the limited continued operation of a personal training facility upon the Subject Property. The Applicant is seeking a special permit for the purpose of continuing the operation of the physical fitness training facility.

Section 2. DESCRIPTION OF PROPERTY.

The Subject Property is commonly known as 636 Anthony Trail and described by the site map attached hereto as Exhibit A and, by this reference, made a part of this Ordinance.

Section 3. PUBLIC HEARINGS.

A public hearing to consider the application for the special permit defined herein was duly advertised on April 16, 1998 in the *Northbrook Star* and publicly heard by the Northbrook Plan Commission on May 5, 1998 with a recommendation made on May 19, 1998.

Section 4. SPECIAL PERMIT FOR PHYSICAL FITNESS TRAINING FACILITY.

Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, a special permit to allow the operation of physical fitness training facility (the "Facility") (Northbrook S.I.C. Code No. 7991.001) on the Subject Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-602 of the Northbrook Zoning Code (1988), as amended from time to time (the "Zoning Code"), and the home rule powers of the Village of Northbrook.

Section 5. CONDITIONS ON SPECIAL PERMIT.

The special permit granted in Section 4 above, shall be and is hereby expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

Section 9. TERM.

The special permit granted in Section 4 above, above shall automatically expire, and the designated use shall terminate, on the date that is five years after the effective date of this Ordinance, unless prior to such date, the Applicant shall have requested, and the Corporate Authorities, in its sole and absolute discretion, shall have granted a renewal in accordance with Section 11-602 K of the Zoning Code.

Section 10. EFFECTIVE DATE.

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. Passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- ii. Publication in pamphlet form in the manner required by law;
- iii. The filing by Applicant with the Village Clerk, for recording in the Office of the Cook County Recorder of Deeds, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Such unconditional agreement and consent shall be in the form attached to and, by this reference, made part of this Ordinance as Exhibit C, and shall be executed by the Applicant.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph A.iii above within 90 days after the date of passage of this Ordinance by the Corporate Authorities, the Corporate Authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 9th day of June, 1998.

AYES: (5) Trustees Jaeger, Frum, Karagianis, Buehler, and Meek

NAYS: (0)

ABSENT: (1) Trustee Donewald

ABSTAIN: (0)

/s/ Mark W. Damisch
Village President

ATTEST:

/s/ Lona N. Louis
Village Clerk

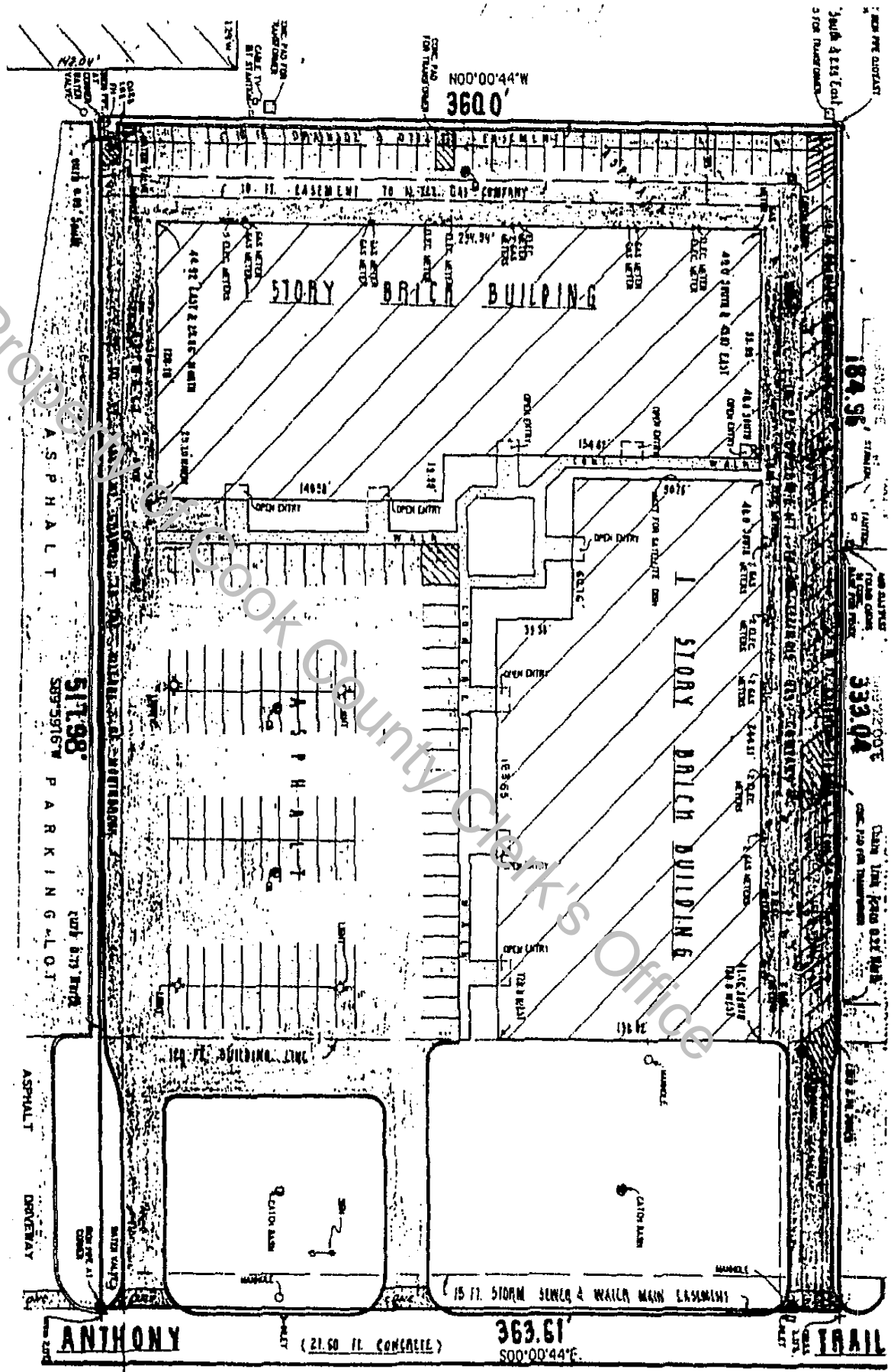


EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

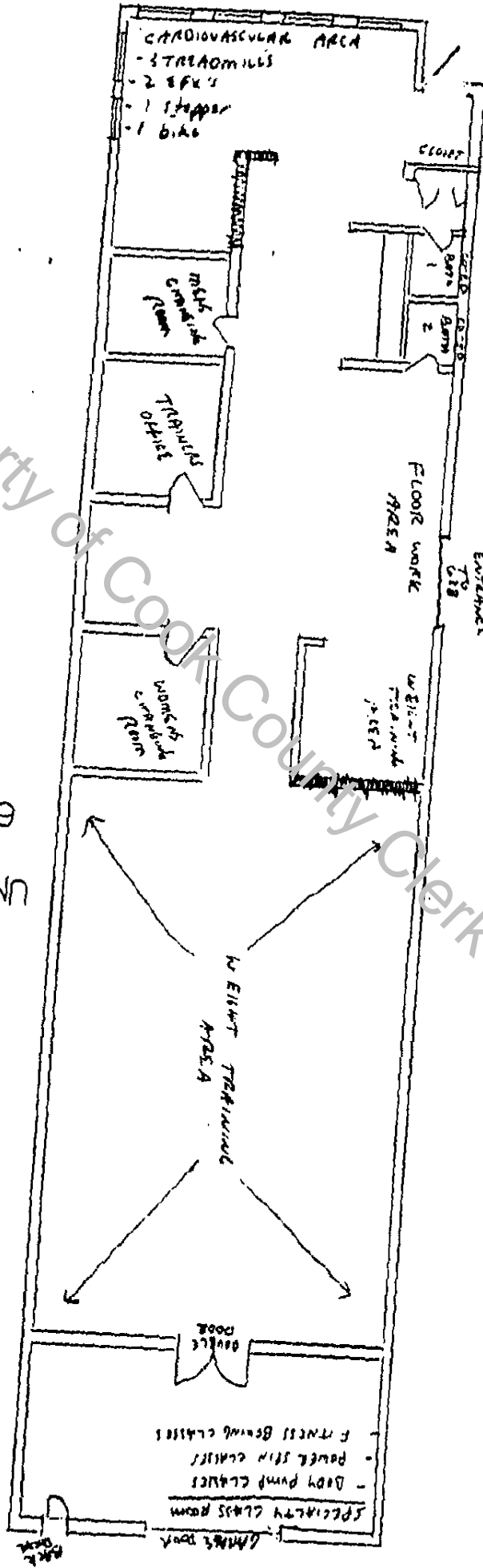
LOT 10 IN THE RESUBDIVISION OF PART OF LOT 4 IN BLOCK 3 IN THE FIRST RESUBDIVISION OF SKY HARBOR INDUSTRIAL PARK UNIT 1 IN THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JUNE 27, 1973 AS DOCUMENT NUMBER 22377699 IN COOK COUNTY, ILLINOIS

COMMONLY KNOWN AS 610-642 ANTHONY TRAIL, NORTHBROOK, ILLINOIS

P.I.N. No. 04-05-400-019

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UNIT 9

EXHIBIT B

EXHIBIT C

Applicant's Unconditional Agreement and Consent

TO: The Village of Northbrook, Illinois (the "Village"):

WHEREAS, THE TRAINERS CLUB (the "Applicant") is the owner of record of the property commonly known as 636 Anthony Trail in the Village of Northbrook (the "Subject Property"); and

WHEREAS, the Applicant has applied for a special permit to allow for the operation of physical fitness training facility on the Subject Property (the "Requested Relief"); and

WHEREAS, Ordinance No. 98-25, adopted by the President and Board of Trustees of the Village of Northbrook on June 9, 1998 (the "Ordinance"), grants the Requested Relief, subject to certain conditions; and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions and limitations set forth in said Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant shall and does hereby unconditionally agree to, accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of that certain Village Ordinance No. 98-25, adopted by the Village Board of Trustees on June 9, 1998 (the "Ordinance").

2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

3. The Applicant acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by Section 9 of the Ordinance is given.

4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the Village's review and approval of plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject

Property, and (d) the performance by the Applicant of his obligations under this Unconditional Agreement and Consent.

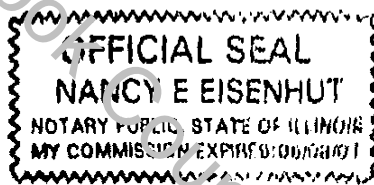
5. The Applicant shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.

THE TRAINERS CLUB

Mark Chavez

SUBSCRIBED and SWORN to before me this 19 day of August, 1998.

Nancy E. Eisenhut
Notary Public



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