



Agenda Cover Memorandum

Meeting Date: March 21, 2016

Meeting Type: COW (Committee of the Whole) City Council Budget Workshop

Item Title: Approve the final reading of an ordinance for a special use to allow a health/fitness center in the B-4 Uptown Business District, Uptown Commercial Sub-District at 110 North Northwest Highway, Zoning Case Number SU-16-05.

Action Requested: Approval For discussion
 Feedback requested For your information

Staff Contact: James F. Testin **Phone:** 847/318-5296
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Background: Kolbrook Design, applicant, requests a special use to allow a Pure Barre health/fitness center in the B-4 Uptown Business District - Uptown Commercial Sub-District. The applicant plans to operate a small-scale, class-oriented fitness center in the 1,859 square foot tenant space.

The Planning and Zoning Commission held a public hearing on the case on February 23, 2016. The Commission recommended approval of the special use by a vote of 5-0, with 4 members absent, with three stipulations:

1. All signs complying with the Zoning Ordinance and the Shops of Uptown Sign Plan.
2. Meeting any Engineering and other Department requirements.
3. Obtain an agreement from the City Council for the proposed use, and an agreement to offset the retail sales taxes in accordance with the Uptown Development Agreement.

Separate from the special use the Uptown Development Agreement specifies uses allowed within the Shops of Uptown. All other uses must be approved by the City Council and an agreement must be executed to offset the retail sales taxes.

The ordinance includes the Planning and Zoning Commission stipulations and standard conditions by the City Attorney. At the March 7, 2016, City Council meeting the Council approved the first reading of an ordinance by a vote of 5 to 2.

Recommendation: Approve the final reading of an ordinance for a special use to allow a health/fitness center in the B-4 Uptown Business District, Uptown Commercial Sub-District at 110 North Northwest Highway, Zoning Case Number SU-16-05.

Budget Implications:
Does Action Require an Expenditure of Funds: Yes No
If Yes, Total Cost:
If Yes, is this a Budgeted Item:
 Yes No Requires Budget Transfer
If Budgeted, Budget Code (Fund, Dept, Object)

- Attachments:**
- Draft Ordinance
 - February 23, 2016 PZC Minutes

CITY OF PARK RIDGE

ORDINANCE NO. 2016- _____

AN ORDINANCE GRANTING
A SPECIAL USE PERMIT FOR A HEALTH/FITNESS CENTER
(110 N. Northwest Highway)
(SU-16-05)

WHEREAS, the City of Park Ridge is an Illinois home rule municipality operating under the Constitution and Laws of the State of Illinois;

WHEREAS, Uptown Station, LLC, a Delaware limited liability company, wholly owned by Phillips Edison Grocery Center Operating Partnership, LP ("*Owner*") is the owner of the property located at 110 N. Northwest Highway, Park Ridge, Illinois (P.I.N. 09-26-424-006-0000) ("*Property*");

WHEREAS, Kolbrook Design, Inc. ("*Applicant*") desires to operate a small-scale, class-oriented fitness center commonly known as Pure Barre in a 1,859 square foot tenant space on the Property;

WHEREAS, the Property is zoned in the B-4 Uptown Business District - Uptown Commercial Sub-District;

WHEREAS, pursuant to Section 8.3 of the City's Zoning Ordinance, a special use permit is required for a Health/Fitness Center;

WHEREAS, the Applicant and Owner filed an application with the City requesting approval of a special use permit to allow the operation of a small-scale, class-oriented fitness center commonly known as Pure Barre on the Property ("*Special Use Application*");

WHEREAS, the Planning and Zoning Commission convened a public hearing on February 23, 2016 on the Special Use Application, pursuant to legal notice as required by law, and all persons attending the hearing were provided an opportunity to be heard at the public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission recommended approval of the Special Use Application to the City Council;

WHEREAS, the City Council has concluded that the Special Use Application, subject to and in conformance with the terms and conditions of this Ordinance, will be beneficial to the City, will further the development of the Property, and will otherwise enhance and promote the general welfare of the City and the health, safety and welfare of the residents of the City.

BE IT ORDAINED by the City Council of the City of Park Ridge, Cook County, Illinois, pursuant to its home rule authority, as follows:

SECTION 1: Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2: Findings. The City Council has duly considered the recommendations of the Planning and Zoning Commission and hereby adopts the findings of the Planning and Zoning Commission, attached as Exhibit A, as the findings of the City Council as though fully restated in this Ordinance. All references and findings of the Planning and Zoning Commission are hereby made the findings and references of the City Council.

SECTION 3: Special Use. Pursuant to the authority granted by Section 4.6 of the Zoning Ordinance, and subject to compliance with the conditions described in Section 4, the Applicant is hereby granted a special use permit to allow the operation of a Health/Fitness Center on the Property.

SECTION 4: Conditions of Approval. The approvals granted pursuant to Sections 3 of this Ordinance shall be and are hereby expressly subject to the following terms, conditions, and restrictions:

- A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the City, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- B. **Compliance with Laws.** Except as otherwise specifically set forth herein, the Sign Ordinance, Zoning Ordinance, the Subdivision Ordinance, the Building Code and all other applicable City ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. **Signs.** All signs shall comply with the Shops of Uptown Sign Plan.
- D. **Uptown Development Agreement.** Obtain an amendment to the Uptown Development Agreement from the City Council for the proposed use and to offset the retail sales taxes.
- E. **Enforcement.** The Property shall be made available for inspection by any department of the City at all reasonable times for compliance with this Ordinance and any other applicable laws or regulations.

SECTION 5: Superseding Effect. The specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the City to the extent of any conflicts.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by the Applicant and Owner, as required by Section 8, consenting to and agreeing to be bound by the terms and conditions of this Ordinance not later than sixty (60) days after the passage and approval of this Ordinance by the City Council or within such extension of time as may be granted by the Corporate Authorities by motion.

SECTION 7: Consents. By signing the acknowledgement and accepting the terms and conditions of this Ordinance, the Applicant and Owner knowingly and voluntarily waive, for themselves and their successors and assigns, any and all claims against the City, its elected and appointed officers, employees and agents, of whatever kind, nature and amount, resulting from the limitations on the use of the Property applied by this Ordinance. Notwithstanding the foregoing, nothing in this Ordinance shall be deemed to waive the ability for the Applicant or Owner, or their successors and assigns, to petition the City, from time to time, for other and further zoning and subdivision approvals.

SECTION 8: Publication. The City Clerk is hereby authorized and directed to publish this Ordinance in pamphlet form according to law.

Adopted by the City Council of the City of Park Ridge, Illinois this ____ day of _____, 2016.

VOTE:

AYES: _____

NAYS: _____

ABSENT: _____

Approved by me this ____ day of 2016.

Acting Mayor Marty Maloney

Attest:

City Clerk

ACCEPTED:

OWNER:

Uptown Station, LLC

By: Phillips Edison Grocery Center Operating Partnership, LP

By: _____

Name: _____

Its: _____

Date of Execution: _____

APPLICANT:

Kolbrook Design, Inc.

By: _____

Name: _____

Its: _____

Date of Execution: _____

EXHIBIT A

FINDINGS OF FACT

4847-4716-5998, v. 1

BEFORE THE PLANNING AND ZONING COMMISSION
Park Ridge, Illinois

In the Matter of)
) Case No. SU-16-05
110 North Northwest Highway)

FINDINGS OF FACT

This matter having come before the Commission for a hearing on the request of Kolbrook Design, Inc., for a special use to allow a "Health/Fitness Center" in the B-4 Uptown Business District – Uptown Commercial Sub-District at 110 North Northwest Highway, Zoning Case SU-16-05.

The Commission having held a public hearing on February 23, 2016, as required by law, and having heard evidence on the matter, based on the evidence presented, as reflected in the minutes of these proceedings, and for the reasons indicated in the minutes of this Commission in this case.

The Planning and Zoning Commission finds that the following facts have been established:

1. The proposed Special Use will accommodate a business that would occupy a vacant space in the Uptown area. It will generate foot traffic and provide a service to the residents of Park Ridge.

Therefore, the establishment, maintenance, and operation of the special use in the location proposed will not endanger the health, safety, morals or general welfare of the city.

2. The proposed business will also contain a retail component and would be in accordance with the Uptown Plan, which recommends pedestrian-oriented commercial, service, retail, restaurant and entertainment uses.

Therefore, the special use will be compatible with adjacent and nearby properties.

3. The proposed business would be consistent with the spirit and intent of the Zoning Ordinance and not impact the traffic or parking at this location. The use will be joining other service providers in the mixed-use pedestrian oriented area.

Therefore, the special use is expected to be consistent with the spirit and intent of the Zoning Ordinance.

Therefore, the Commission recommends that the City Council approve the special use ordinance, as requested, Zoning Case Number SU-16-05, on the terms and conditions set forth in the meeting minutes of February 23, 2016.

Date Approved

Joe Baldi, Chairman



MINUTES

PLANNING AND ZONING COMMISSION

**CITY COUNCIL CHAMBERS
505 BUTLER PLACE
PARK RIDGE, IL 60068**

TUESDAY, FEBRUARY 23, 2016 AT 7:00 PM

Chairman Baldi called the meeting to order at 7:10pm.

I. Roll Call

Present

Joe Baldi, Chairman
Jim Argionis
Lou Giannetti
Tim Kirby
John Kocisko

Staff

Jon Branham, Senior Planner
Brigid Madden, Administrative Specialist

Others Present

5 audience members

Absent

Lou Arrigoni
John Bennett
Linda Coyle
Chris Zamaites

II. Approval of Minutes – February 23, 2016

On a motion by Commissioner Kocisko, seconded by Commissioner Argionis, the Commission agreed to approve the minutes from the February 9, 2016 meeting, as submitted.

Vote on the motion as follows:

AYES	<u>5</u>	Chairman Baldi, Commissioners Argionis, Giannetti, Kirby and Kocisko
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>4</u>	Commissioners Arrigoni, Bennett, Coyle and Zamaites

The motion passed.

III. Development Cases

1. **Case Number SP-16-05:** Special Use for Health/Fitness Center at 110 N Northwest Highway in the B-4, Uptown Commercial District

Chairman Baldi explained the public hearing process and asked that all those testifying stand and be sworn in.

Mr. Branham provided an overview of the application. He explained that the applicant is requesting a special use to allow a Pure Barre health/fitness center in the B-4 Uptown Business District - Uptown Commercial Sub-District. The applicant plans to operate a small-scale, class-based fitness center in the 1,859 square foot tenant space. A statement outlining the details of daily operations and a proposed floor plan were submitted by the applicant. Mr. Branham stated that the Uptown Development Agreement specifies uses allowed within the Shops of Uptown; all other uses must be approved by the City Council and an agreement must be executed to offset the retail sales tax.

Steve Kolber, 828 Davis Street in Evanston, is the architect for the project. He explained that the applicant is planning to open a boutique fitness studio, requiring no equipment, which will provide barre classes. Each class is limited to 25 participants.

Commissioner Kocisko asked whether the studio will have a retail component. Mr. Kolber explained that the studio will have a small retail component, selling apparel and accessories.

Chairman Baldi confirmed that Mr. Kolber understood the agreement with the City regarding retail sales tax, which he did.

Commissioner Argionis asked who the former tenant was, and Mr. Branham stated that it was Menchie's Frozen Yogurt.

On a motion by Commissioner Kocisko, seconded by Commissioner Argionis, the Commission AGREED to close the public hearing.

Chairman Baldi reviewed the criteria for a special use, specifically its compatibility with nearby properties and the Uptown Plan. Commissioner Argionis stated that it is compatible and the Commission had a similar discussion when approving the special use for Orange Theory Fitness.

On a motion by Commissioner Argionis, seconded by Commissioner Kocisko, the Commission AGREED to recommend approval to the City Council for a special use to allow a health/fitness center in the B-4 Uptown Business District, Uptown Commercial Sub-District at 110 North Northwest Highway, Zoning Case Number SU-16-05, subject to the three listed conditions.

Vote on the motion as follows:

AYES	<u>5</u>	Chairman Baldi, Commissioners Argionis, Giannetti, Kirby and Kocisko
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>4</u>	Commissioners Arrigoni, Bennett, Coyle and Zamaites

The motion passed.

IV. City Council Liaison Report

Commissioner Argionis summarized a recent City Council meeting he attended for the O'Hare Airport Commission. At that meeting the City Council entered closed session to discuss the appeal at 400 Talcott Road, which was ultimately dropped. The Commissioners discussed possible options for the residents in that area.

V. Other Items for Discussion

VI. Citizens Wishing to be Heard on Non-Agenda Items

VII. Adjournment

On a motion by Commissioner Argionis, seconded by Commissioner Kocisko, the Commission agreed to adjourn the meeting.

Vote on the motion as follows:

AYES	<u>5</u>	Chairman Baldi, Commissioners Argionis, Giannetti, Kirby and Kocisko
NAYS	<u>0</u>	None
ABSTAIN	<u>0</u>	None
ABSENT	<u>4</u>	Commissioners Arrigoni, Bennett, Coyle and Zamaites

The motion passed.

The meeting was adjourned at 7:21PM.

These minutes are not a verbatim record of the meeting but a summary of the proceedings.

Date Approved

Joe Baldi, Chairman