

15-0-97

AN ORDINANCE

Granting a Special Use to
Centrum Equities, Inc. to Establish
a Drive-Through Facility in Conjunction with
a Walgreen's Drug Store at 900-910 Dodge Avenue

WHEREAS, the Zoning Board of Appeals ("ZBA") held public hearings pursuant to proper notice in case no. ZBA 96-35-SU(R) on December 3, 1996 and January 7, 1997 as part of a joint hearing with the Plan Commission in conformance with section 6-3-4-8 of the Zoning Ordinance ("Ordinance") to consider the application of Centrum Equities, Inc. ("Centrum") for a special use to construct a drive-through facility to be used in conjunction with a Walgreen's Drug Store on property consisting of a portion of 900 Dodge Avenue, all of 910 Dodge Avenue and the property east of Brown Avenue and North of Main Street vacated as provided for in Ordinance 17-0-97 ("collectively, "subject property"); and

WHEREAS, the Plan Commission recommended that the City Council grant the rezoning to C1 Commercial; and

WHEREAS, said rezoning was granted by the City Council in Ordinance 11-0-97; and

WHEREAS, the special use application did not receive the four votes required by the ZBA's Rules of Procedure for a recommendation or a denial; and

WHEREAS, the ZBA forwarded the said special use application to the City Council without a recommendation; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: The City Council hereby grants the aforesaid special use application of Centrum Equities, Inc. for a drive-through facility to be operated in conjunction with a Walgreen's Drug Store on the aforesaid subject property legally described as follows:

Lots 3, 4, 5, 6, 7, 8 and 9 in Morelock's Resubdivision of Lots 9 to 16, both inclusive, in Block 8 and vacated alley lying East of and adjoining lots 13, 14, 15 and 16 in said Block 8 in Grant's Addition to Evanston, a subdivision of the East 2/3 of the South 1/2 of the Northwest 1/4 of Section 24, Township 41 North, Range 13, East of the Third Principal Meridian.

ALSO:

Lot 6 in Handler's Resubdivision of Lots 10 to 16, inclusive, in Morelock's Resubdivision of Lots 9 to 16, both inclusive in Block 8 and vacated alley East of and adjoining Lots 13, 14, 15 and 16 in said Block 8 in Grant's Addition to Evanston, a Subdivision of the East 2/3 of the South 1/2 of the Northwest quarter of Section 24, Township 41 North, Range 13, East of the Third Principal Meridian, in the City of Evanston, in Cook County, Illinois,

Lots 1 and 2 in Morelock's Resubdivision of Lots 9 to 16, inclusive, and vacated alley in Block 8 in Grant's Addition to Evanston, a Subdivision of the East 2/3 of the South 1/2 of the Northwest 1/4 of Section 24, Township 41 North, Range 13 East of the Third Principal Meridian in the City of Evanston, Cook County, Illinois,

Lot 8 in Grant's Addition to Evanston, being the East 2/3 of the South 1/2 of the Northwest 1/4 of Section 24, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and

AND

All that part of the East-West 16 foot public alley lying South of Lot 2 and North of Lots 3 to 9, and lying between the East and West lines of said Lot 2 extended South, in Morelock's Resubdivision of Lots 9 to 16, both inclusive, in Block 8 and vacated alley East of and Adjoining Lots 13, 14, 15 and 16 in said Block 8 in Grant's Addition to Evanston, a Subdivision of the East 2/3 of the South 1/2 of the Northwest

quarter of Section 24, Township 41 North, Range 13, East of the Third Principal Meridian, in the City of Evanston, in Cook County, Illinois.

SECTION 2: That the grant of special use is based upon these findings, made pursuant to section 6-3-5-10 of the Ordinance:

- a. The proposed special use is among those listed in the C1 Commercial District.
- b. The proposed special use is in keeping with the Comprehensive General Plan and the Zoning Ordinance in that
 1. The only issue stemming from this development is the special use for a drive-through window on a pharmacy.
 2. Within the C1 District, the pharmacy without a drive-through window is a permitted use by right;
 3. A pharmacy in this location is a positive factor for this community. The drive-through service for delivery of pharmacy products is not a high-volume use, such as those drive-throughs associated with fast-food restaurants.
- c. The proposed special use will not have a negative cumulative effect, given the desirability of a neighborhood pharmacy, the public service provided by a drive-through facility, and the low volume of drive-through use.
- d. The proposed special use will not diminish or interfere with the value of property in the neighborhood in that the impact of the drive through pharmacy window is less than that of other drive-throughs and, adequate buffering will mitigate adverse impacts.
- e. The proposed special use can be adequately served by public facilities and services, and will not cause undue traffic congestion, in that, 1) while the traffic flow at the Dodge Avenue and Main Street intersection is imperfect, the incremental impact of the proposed special use does not result in inadequate service by public facilities and services, and b) impacts relating to the stacking of cars at a pharmacy drive-through are of far less significance than the impacts of other more high volume uses with drive-through windows.

- f. The proposed special use has no apparent effect upon significant historical and architectural resources.
- g. The proposed special use has no apparent effect upon significant natural and environmental features, separate from an additional to, the permitted use, i.e. the retail establishment.
- h. If approved, the proposed special use will comply with all other applicable regulations, including, but not limited to, regulations of the C1 Commercial District.

SECTION 3: That, pursuant to section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may attach conditions to the grant of a special use, these conditions are hereby imposed:

- a. The petitioner or the petitioner's successors in title to the subject property shall cause to be erected and to be maintained in good and sightly condition a wood fence six feet in height along or adjacent to the west lot line of the subject property and to the south right of way line of the adjacent east/west alley except
 - 1. beginning at a point approximately ten feet north of the south right of way line of the east/west alley, the fence shall be configured so as not to enclose a parcel for access to allow pedestrian and vehicular passage as described in condition I below and then shall continue west along a line approximately ten feet south of the said right of way line to the west property line of the property, at which point said fence shall continue south along or adjacent to the west lot line, and
 - 2. said fence shall not extend further south than the south face of the principal structure on the lot to the west.

Said fence shall be substantially in accordance with the Landscape Plan submitted by the petitioner dated September 27, 1996 and revised January 30, 1997 except to the extent that the fence as shown on the Landscape Plan is specifically altered in this Ordinance #15-O-97. Said Landscape Plan is attached as Attachment 1. The style of the fence shall be as approved by the Site Plan and Appearance Review Committee. Said fence shall be erected prior to the issuance of any Certificate of Occupancy for the subject property.

- b. The petitioner or the petitioner's successors in title to the subject property shall cause to be erected and to be maintained in good and slightly condition a wood fence located as follows:

the point of beginning of the fence shall be a point approximately ten feet west of the east lot line of the subject property and approximately six feet south of the north lot line of the subject property, then continue in a northwesterly direction to a point approximately five feet south of said north lot line, and thence west to the west lot line.

The fence shall be at a height no less than six feet nor more than eight feet agreeable to the owners of the adjacent property to the north, being the owners of Lot 7 in Grant's Addition to Evanston except for that portion between the point of beginning and the eastern face of the residential structure on the property immediately north of the subject property where it shall be five feet in height. Said fence shall be substantially in accordance with the Landscape Plan submitted by the petitioner dated September 27, 1996 and revised January 30, 1997 except to the extent that the fence as shown on the Landscape Plan is specifically altered in this Ordinance #15-O-97. The style of the fence shall be as approved by the Site Plan and Appearance Review Committee. Said fence shall be erected prior to the issuance of any Certificate of Occupancy for the subject property.

- c. The petitioner or the petitioner's successors in title to the subject property shall cause to be installed a landscape buffer north of the above-mentioned fence in condition B substantially in accordance with the Landscape Plan submitted by the petitioner dated September 27, 1996 and revised January 30, 1997. The landscape plan shall be as approved by the Site Plan and Appearance Review Committee. Said landscaping shall be installed prior to the issuance of any Certificate of Occupancy for the subject property. The petitioner shall offer to deed the above mentioned landscape buffer to the adjacent property owners, being the owners of Lot 7 in Grant's Addition to Evanston, in accordance with the respective property interests of these owners of Lot 7 in Grant's Addition to Evanston. The individual deeds shall restrict to the above mentioned landscape buffer the use of the parcels so conveyed. The petitioner or the petitioner's successors in title to the subject property shall retain any portion of said landscape buffer which the petitioner or the petitioner's successors in title do not deed to the owners of Lot 7 in Grant's Addition to Evanston, impose an easement upon said portion restricting the use thereof to the above-mentioned landscape buffer, and maintain said portion in good and slightly condition and in accordance with the above mentioned Landscape Plan.

- d. The petitioner agrees to make a one-time contribution of \$10,000 to a

neighborhood improvement fund. The petitioner shall make said contribution to the City prior to the issuance of any Certificate of Occupancy for the subject property.

- e. The petitioner or the petitioner's successors in title to the subject property shall cause to be erected and to be maintained in good and sightly condition gates or other devices to prevent vehicular entry to and exiting from any on-site parking space or lot accessory to the subject property after the business on the subject property is closed for business and all employees have left the premises. Said devices shall be erected prior to the issuance of any Certificate of Occupancy for the subject property.
- f. At the request of the alderman, and discussions between the alderman and any entity holding possessory interest in the subject property additional security will be provided for the property as necessary.
- g. The petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property agrees to cooperate with the City's MBE/WBE/EBE program to include minorities, women and Evanstonians as recipients for the economic opportunities generated by the proposed construction upon, and the use of the subject property. Such cooperation includes without limitation that:
 - 1. in the construction of the center, a target goal of 20% of the contracts for goods and services will be let to Minority/Women/Evanston businesses;
 - 2. the general contractor hired by the developer will hire, train, and retain at least 3 Evanston laborers during the term of the contract;
 - 3. the petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property agrees to work with the City and other appropriate agencies to assure maximum employment opportunities for Evanston residents. This will include but not be limited to the first 3 weeks of exclusive employment advertising in Evanston.
- h. The petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property agree to limit the hours of operation of any business upon the subject property to those between 6:00 a.m. and midnight, 7 days a week. The most likely hours of operation shall be between 8:00 a.m. and 10:00 p.m., 7 days a week.

- i. The petitioner or the petitioner's successors in title to the subject property agrees to record an irrevocable covenant prohibiting the retail sale of liquor upon the subject property.
- j. The petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property agrees to prohibit the installation of any pay telephone not fully enclosed within the principal structure on the subject property.
- k. The petitioner agrees to submit and the petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property agrees to conform to a litter collection plan for the subject property and the adjoining rights of way. Said litter plan shall be in a form acceptable to the office of the City Manager, and shall be applicable to the construction of the proposed development and to the operation of any business upon the subject property.
- l. The petitioner or the petitioner's successors in title to the subject property agrees either to transfer to the City title to a parcel for, or to donate an easement parcel for, access at the intersection of the present north/south and east/west alley to allow vehicles to better negotiate turning through the alley. The specifications of said parcel shall be subject to the approval of the City Department of Public Works. The petitioner or the petitioner's successors in title to the subject property shall cause said title transfer or easement to be recorded in the office of the Cook County Recorder of Deeds. Said recordation shall occur prior to the issuance of any Certificate of Occupancy or Certificate of Zoning Compliance for the subject property.
- m. The petitioner or the petitioner's successors in title to the subject property agrees to obtain from the Illinois Environmental Protection Agency their certification that no further action is required to achieve remediation. Said certification shall be obtained prior to the issuance of any Certificate of Occupancy for the subject property.
- n. The petitioner agrees to pay \$64,000 toward the total cost to pave the alley parallel and west of Dodge Avenue and parallel and east of Brown Avenue and the continuation of this alley to Brown Avenue. Said payment shall be made prior to the issuance of any Certificate of Occupancy for the subject property.
- o. The operation of the said drive-through shall conform to the testimony and exhibits presented in connection with this case and at the hearing.

- p. The applicant shall meet with the neighbors, and in conjunction with the neighbors, shall design the landscape buffer mentioned above in condition C.
- q. The use of the drive through window is strictly limited to the sale and dispersement of prescription drugs and medical devices as defined in the Federal Register. The use of the drive through window for the sale or dispersement of other products or services offered by the user of the subject property is prohibited.
- r. At all times that the drive-through window is used the petitioner or the petitioner's tenant shall observe a policy of not serving any customer or client by means of the drive through window if music or any other amplified sound is audible off site from this customer's or client's motor vehicle.
- s. The petitioner or the petitioner's tenant shall not use a speaker or amplifier system in conjunction with the drive through window which amplifies voice or other sounds louder than normal speaking volume.
- t. No sign may be erected on the north face of the building that would be taller than the fence erected adjacent to the north lot line of the subject property.
- u. No lighting may be placed on the north wall of the building upon the subject property unless that lighting is recessed under the canopy and all lighting must be contained within the site, and if lighting spills over into adjacent properties, the petitioner or the petitioner's successors in title to the subject property and any entity holding possessory interest in the subject property shall adjust and fully contain said lighting.
- v. The office of Traffic Engineer shall monitor traffic patterns on and as affected by the subject property for one year commencing upon issuance of a Certificate of Occupancy. At the end of this period any adjustments which the Traffic Engineer deems necessary shall be discussed with the petitioner or the petitioner's successors in title to the subject property.

SECTION 4: That paragraphs 1 through 6 of section 1 of Ordinance 55-0-79 are hereby released. Said paragraphs reflected conditions attached to the grant of certain variations for the property at 1915 Main Street.

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 10, 1997

Adopted: February 24, 1997

Approved: May 27, 1997

Lorraine H. Morton Mayor

ATTEST:

Mary J. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

**OVERSIZED
DOCUMENT**

(PULLED FROM THIS LOCATION)