

3/21/2006

47-O-06

AN ORDINANCE

**Granting a Special Use and Major Variation to
Allow a Drive-Through Facility for a Financial Institution at
2819 Central Street in a B1a Business District
("Harris N.A.")**

WHEREAS, the Zoning Board of Appeals ("ZBA") conducted a public hearing on February 21, 2006 in case no. ZBA 06-09-SU&V(R), pursuant to proper notice, on the application of Harris N.A. ("Applicant"), contract purchaser of the property at 2819 Central Street (Subject Property), with permission from the property owner, Midwest Palliative and Hospice Care Center, to seek approval, pursuant to Section 6-9-5-3 of the Zoning Ordinance (the "Ordinance"), of a special use for a drive-through facility on the Subject Property, and for a variation to Section 6-9-5-7 of the Ordinance to allow unenclosed parking spaces within the street side yard of the Subject Property along Reese Avenue; and

WHEREAS, the ZBA heard testimony, received other evidence, and made a *verbatim* record; and

WHEREAS, the application failed to receive four concurring votes required for a recommendation that the City Council approve or deny the application and was deemed denied; and

WHEREAS, at its March 27, 2006 meeting, the Planning and Development Committee of the City Council considered and adopted the ZBA's record, and made findings that the application met the standards for special uses set forth in Section 6-3-5 and the standards for major variations set forth in

Section 6-3-8-12 of the Ordinance, and recommended City Council approval thereof, with conditions; and

WHEREAS, the City Council considered and adopted the respective records of the ZBA and the Planning and Development Committee at its March 27, 2006 meeting, and, after a unanimous vote pursuant to Council Rule 3.2, suspended the Rules to allow introduction and enactment of this Ordinance at the same meeting, and adopted the recommendation of the Planning and Development Committee to approve the special use applied for in case no. ZBA 06-09-SU&V(R), and

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

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: The City Council hereby finds that the aforescribed application for major variation meets the standards for variations set forth in Section 6-3-8-12(E) of the Zoning Ordinance:

1. The variation will not have an adverse impact on the use, enjoyment, or property values of adjoining properties in that the requested variation for off-street parking spaces will merely continue the current use of that portion of the property. In addition, the provision of off-street parking will lessen congestion on the street.

2. In accordance with Section 6-3-8-12(E), the variation is in keeping with the intent of the Zoning Ordinance in that the property is located within the B1a Business District. A financial institution, the proposed use of the property, is a permitted use within this district. The variations will allow for the provision of off-street parking to support the bank use.

3. The alleged hardship or practical difficulty is peculiar to the property due to the size and configuration of the lot. The corner location and the dimensions of the lot contribute to hardship involved in creating a parking area that will not encroach into the street side yard. The proposed site plan provides the best layout for the proposed use and parking area, which includes a landscaped buffer along Reese Avenue to shield view of the open parking spaces from the street.

4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out in that there would not be adequate width for an off-street parking area that could accommodate the number of off-street parking spaces provided. Testimony was provided that there is need for off-street parking in this neighborhood. A reduction in the number of spaces currently existing on site would result if the strict letter of the regulations were followed. The current site plan allows for the provision of adequate circulation lanes for both the driveway and parking areas as well as landscaping along the street edges, which improves this condition for the street side yard.

5. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property. The variation is needed to allow for the provision of required off-street parking spaces. This is being requested to ensure compliance with the off-street parking requirements for the proposed use.

6. The alleged difficulty or hardship has not been created by any person having an interest in the property in that the lot was subdivided prior to the adoption of the current Zoning Ordinance and the purchase of the property by the applicants. The hardship posed by the size and dimensions of the lot was not created by the applicants.

7. The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property in that the variations will allow for the continued use of an existing open parking area. The proposed building and parking area have been designed to minimize their impact on the street through the use of setbacks and landscaping. The improvements will encroach into the street side yard, but for the purpose of allowing the provision of off-street parking in an area that is lacking in this regard.

SECTION 3: The City Council hereby finds that the aforescribed application for a drive-through facility meets the standards for special uses set forth in Section 6-3-5-10 of the Ordinance:

1. The requested drive-through facility is one of the special uses specifically listed in the Ordinance, Section 6-8-5-3.

2. The requested special use is in keeping with the purposes and policies of the adopted Comprehensive General Plan and the Ordinance. The Comprehensive General Plan classifies the subject property as within a retail and mixed use area which includes retail goods and services establishments, mixed-use buildings with ground floor commercial and residences above, and single-use commercial uses. The proposed financial institution, a listed permitted use in the B1a Business District, is consistent with this classification.

3. The requested special use will not cause a negative cumulative effect when its effect is considered in conjunction with the effect of all various uses of all types in the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole. The proposed drive-through facility will utilize an existing curb cut and will be designed to have a minimal impact on surrounding uses. Traffic will not be routed through the adjacent alley and a wall structure at the south edge of the site will shield view of cars from the neighboring residences.

4. The requested special use will not interfere with or diminish the value of property in the neighborhood in that it will be a significant improvement over the existing structure. The proposed financial institution will support and enhance the existing Central Street business district.

5. The requested special use can be adequately served by public facilities and services in that it is located on a major street, is well served by public transit, and will not require special facilities or services to operate.

6. The requested special use does not cause undue traffic congestion as the testimony indicates the additional traffic generated by the proposed use will be minimal and will not reduce the level of service. The proposed drive-through facility will have adequate stacking spaces and off-street parking spaces in excess of the requirements of the Zoning Ordinance.

7. The requested special use preserves significant historical and architectural resources to the extent that the proposed building design will be an improvement over the existing structure.

8. The requested special use preserves significant natural and environmental features in that the proposed site plan will provide additional landscaping and natural features that currently do not exist on site.

9. The requested special use will comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation. The proposed drive-through facility meets the zoning requirements for the size and location of the lanes, and the off-street parking area will provide for off-street parking spaces in excess of that required for the proposed use.

SECTION 4: That the application in case no. ZBA 06-09-SU&V(R) for the following special use and major variation is hereby granted on the property commonly known as 2819 Central Street, and legally described as follows:

LOTS 17 TO 20 INCLUSIVE IN BLOCK 4 IN BROWN AND CULVER'S ADDITION TO NORTH EVANSTON, BEING A SUBDIVISION OF LOTS 1 AND 2 OF GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF QUILMETTE RESERVE IN TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

a) A variation to Section 6-8-5-7 to allow the location of unenclosed at-grade parking spaces within the street side yard along Reese Avenue instead of the fifteen-foot (15') setback otherwise required; and

b) A special use, as authorized in Section 6-8-5-3, to allow a drive-through facility at the subject property.

SECTION 5: That, pursuant to Section 6-3-8-14 of the Ordinance which provides that the City Council may impose conditions on the grant of variations, the following conditions are hereby imposed:

a) Development and use of the Subject Property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the Applicants before the Zoning Board of Appeals, Planning and Development Committee, and the City Council.

b) This Ordinance shall be binding upon the Applicant, its successors and assigns, and operators of the Subject Property.

c) The Applicant shall provide a landscape plan for the open parking lot subject to the approval of the Site Plan and Appearance Review Committee. At a minimum, the landscape plan shall include plant material and/or other features to reduce the visual impact of the open, off-street parking spaces from Reese Avenue and Central Street.

d) The Applicant shall install, or cause to be installed, all plant material and/or other features depicted on the landscape plan approved by the Site Plan and Appearance Review Committee as a condition to issuance of a Final Certificate of Occupancy.

e) The Applicant shall submit a landscape maintenance plan for review and approval by the City of Evanston Superintendent of Parks and Forestry which shall guarantee that any plants planted in accordance with the landscape plan approved by the Site Plan and Appearance Review Committee which die shall be replaced by the property owner during the earliest planting season thereafter, upon written notification to the property owner from the City to do so.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: 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: March 27, 2006

Approved:

Adopted: March 27, 2006

March 30, 2006

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Approved as to form

Mary P. Morris by Maye Press
Mary P. Morris, City Clerk Deputy Clerk

[Signature]
Corporation Counsel