

**ORDINANCE NO. F-0798**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR A DRUG STORE WITH A DRIVE-THROUGH PHARMACY -  
1601-1621 NORTH MAIN STREET (WALGREENS)**

WHEREAS, written application has been made for the issuance of a special use permit to allow the construction of a new 14,560 square-foot Walgreens drug store with a drive-through pharmacy, following the demolition of the existing 29,000 square-foot building on the property legally described herein within the city limits of Wheaton, Illinois, and commonly located at 1601-1621 North Main Street; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on January 21, 2003, to consider the issuance of the special use permit; and the Wheaton Planning and Zoning Board has recommended the issuance of the special use permit.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The following-described property has been, and continues to be, zoned and classified in the C-3 General Business District zoning classification:

(See attached legal description)

**PIN 05-09-108-009 and 05-09-108-018**

This property is commonly located at 1601-1621 North Main Street, Wheaton, Illinois 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Planning and Zoning Board, a special use permit is hereby issued to allow for the construction and use of a new 14,450 square-foot Walgreens drug store with a drive-through pharmacy in full compliance with the site plan and building elevation plan sheets AO.1 and A2.1 dated January 29, 2002 and bearing a latest revision date of February 25, 2003 and landscape plan sheet L-1 dated January 24, 2003 and bearing a latest revision date of February 20, 2003, prepared by Camburas & Theodore, Ltd., Architects-Interiors, DesPlaines, Illinois; and in further compliance with the following conditions, restrictions, and requirements:

- A. Prior to the issuance of any building permit, owner/developer shall furnish to the City:
  - 1. A revised landscape plan illustrating the coordination of the landscaping along Main Street with the City's Landscape Improvement Plan for the area.

2. The owner of the subject property shall maintain all landscaping and plantings on the subject property so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved final landscape plan. In the event any landscaping, plantings, or vegetation on the subject property dies, in whole or in part, at any time, the owner shall, forthwith, replace the non-viable landscaping vegetation and/or plantings with reasonably similar substitutes of original planting size or larger, as directed by the City.

3. One monument sign may be constructed on the subject property in conformance with Section 23.7.1(b) of the Wheaton Zoning Ordinance; the location of the sign shall be subject to the reasonable approval of the Director of Planning and Economic Development.

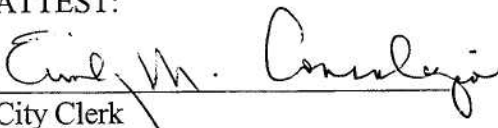
4. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, DuPage County, Illinois.

By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself, itself, its successors, assigns and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote:  
Councilman Mouhelis  
Councilman Tamm  
Councilman Gresk  
Mayor Carr

755

F-0-08

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Nays: Councilman Johnson  
Councilwoman Johnson

Absent: Councilman Mork

Motion Carried

Passed: March 17, 2003  
Published: March 18, 2003

WALGREEN'S LEGAL DESCRIPTION  
ORDINANCE NO. F-0798/p.4

THE WEST 300 FEET OF THAT PART LYING EAST OF THE EAST LNE OF MAIN STREET OF THE FOLLOWING DESCRIBED TRACT OF LAND, TO WITH: THAT PART OF THE SOUTH HALF OF THE SOUTH HALF OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE EAST LINE OF LOT 4, OF OWNERS ASSESSMENT PLAT RECORDED ON DECEMBER 6, 1920 AS DOCUMENT 145553, IN DUPAGE COUNTY, ILLINOIS, ALSO THE SOUTH 20 FEET OF LOT 7, IN BLOCK 4 IN ARTHUR T. MCINTOSH AND COMPANY'S GENEVA ROAD SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179449 AND CERTIFICATE OF CORRECTION FILED AUGUST 5, 1924 AS DOCUMENT NUMBER 180974, IN DUPAGE COUNTY, ILLINOIS. P.I.N. NOS. 05-09-108-009 AND 05-09-108-018