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**ORDINANCE NO. F-0012**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP  
AND GRANTING A SPECIAL USE PERMIT FOR REOPENING A  
LIMITED DRIVE-THROUGH LANE FOR AN EXISTING CARRY-OUT  
RESTAURANT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED  
AT  
221 SOUTH NAPERVILLE ROAD - JACK STRAWS, INC.**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, and for the issuance of a special use permit to allow the reopening of the north drive-through lane, which was previously used by the former bank facility occupant, to be used by the existing carry-out restaurant for limited pickup of food orders on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as the Jack Straws restaurant; 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 Board of Zoning Appeals on February 13, 1996, to consider the zoning amendment and issuance of the special use permit; and the Wheaton Board of Zoning Appeals has recommended approval of the zoning amendment and issuance of the special use permit.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page 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-4 CBD Perimeter Commercial District zoning classification:

LOT 8 AND THE SOUTH 15 FEET OF LOT 9 OF EGGER'S RESUBDIVISION OF BLOCK 7 OF WARREN L. WHEATON'S SECOND ADDITION TO WHEATON, IN THE WEST HALF OF THE SOUTHEAST QUARTER AND THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED MAY 15, 1893 AS DOCUMENT 52263, IN DU PAGE COUNTY, ILLINOIS.

PIN 05-16-320-008

This property is commonly located at 221 South Naperville Road, Wheaton, IL 60187, ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is hereby issued to allow the reopening of a drive-through lane and window to be used by the existing carry-out restaurant for limited pickup of food by patrons on the subject property in full compliance with the following conditions, restrictions, and requirements:

- A. Owner shall reopen the north drive-through lane and window; the services offered at the drive-through window shall be limited to the pickup of phoned-in food orders and items immediately available such as, pizza slices and beverages.
- B. Vehicles will enter the drive-through lane off the existing entrance on Willow Avenue and exit onto Naperville Road via an existing curb cut.
- C. Striping of the parking lot shall meet the reasonable approval of the City Planner.
- D. All signs on the subject property used to provide direction and describe the services available at the drive-through window shall be consistent with the provisions of the Wheaton Zoning Ordinance, and shall be subject to the reasonable approval of the Wheaton City Planner.
- E. 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, his/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.

ATTEST:

Emily M. Connelley  
City Clerk

James Carr  
Mayor

Ayes:

Roll Call Vote:  
Councilwoman Davenport  
Councilman Eckhoff  
Mayor Carr  
Councilman Gresk

Councilwoman Johnson  
Councilman Mork  
Councilwoman Culler

Nays: None

Absent: None

Motion Carried Unanimously

Passed: March 4, 1996  
Published: March 5, 1996