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**ORDINANCE NO. F-0103**

**AN ORDINANCE DENYING A REQUEST FOR AN AMENDMENT  
TO A PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY  
KNOWN AS WHEATON CITY PLACE (TIF SITE 2)**

**WHEREAS**, on November 6, 1995, the City Council of the City of Wheaton (the "City") passed Ordinance No. E-4142, recorded on November 15, 1995 as Document #R95-161342 in the office of the DuPage County Recorder which amended the Wheaton Zoning Ordinance Map and granted a special use permit for a Planned Unit Development (the "PUD") on the property described in Exhibit "A" attached hereto and made a part hereof (the "Subject Realty"); and

**WHEREAS**, on November 25, 1996, the City passed Ordinance No. F-0081, recorded on January 29, 1997 as Document #R97-13940 in the office of the DuPage County Recorder which amended certain provisions of the special use permit, including the addition of the property legally described in Exhibit "B" attached, hereto and made a part hereof, with such property included in the definition of the Subject Realty; and

**WHEREAS**, the City has been again requested to amend certain provisions of the special use permit pertaining to the proposed building elevations; and

**WHEREAS**, pursuant to Article 5.10.6 of the City of Wheaton Zoning Ordinance, the City Council reviewed the request for an amendment to the special use permit on January 21, 1997.

**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 request for an amendment to the Planned Unit Development is hereby denied. The reason for such denial includes, but is not limited to, the following Findings of Fact (said Findings shall not be deemed exhaustive) which are hereby determined by the City:

- A. The architectural design of the building was an important condition precedent to approving the Planned Unit Development.
- B. The proposed change in the architectural design is not consistent with the architectural character of the Planned Unit Development and buildings in the downtown.

**Section 2:** All ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, expressly repealed.

**Section 3:** This ordinance shall become effective from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED APPROVED** by the Mayor and City Council of the City of Wheaton, Illinois this 1st day of February, 1997.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Emily M. Consalvo  
City Clerk

Roll Call Vote

Ayes:

Councilman Mork  
Councilwoman Davenport  
Councilman Eckhoff  
Councilman Gerig  
Mayor Carr  
Councilman Gresk  
Councilwoman Johnson

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: February 1, 1997

Published: February 3, 1997