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ORDINANCE NO. F-0196

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3508, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SHOPPING CENTER AND OTHER USES - ON LOT 4 IN DANADA FARMS EAST/UNIT 1 (CARPENTER & COMPANY)" - WHEATON TOWN SQUARE

WHEREAS, on September 5, 1989, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3508, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SHOPPING CENTER AND OTHER USES - ON LOT 4 IN DANADA FARMS EAST/UNIT 1 (CARPENTER & COMPANY)" ("original ordinance"), authorizing the issuance of a special use permit for a shopping center and other uses on Lot 4 Danada Farms East/Unit 1 Subdivision and certain other property adjacent thereto on the subject property described in the original ordinance; and

WHEREAS, written application has been made to amend the original ordinance to allow for the construction of an addition onto the building formerly known and used as the California Pizza Kitchen Restaurant and to relocate a certain access driveway along Naperville Road, all on certain property commonly known as Lot 4 in Danada Farms East/Unit 1, and legally described in this ordinance; and

WHEREAS, pursuant to the provisions of Article 5.10.6 of the Wheaton Zoning Ordinance, the City has determined that the requested amendment to the original ordinance constitutes a major change to the planned unit development authorized in the original ordinance; and the City has determined that the changes to the planned unit development previously authorized in the original ordinance are in substantial conformity with the planned unit development authorized in the original ordinance.

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 real estate has been, and continues to be, zoned and classified under the C-5 General Business District zoning classification of the Wheaton Zoning Ordinance, pursuant to the terms and provisions of the original ordinance:

LOTS 1 AND 2 IN WHEATON TOWN SQUARE, BEING A SUBDIVISION OF PART OF LOTS 3 AND 4 IN DANADA FARMS EAST UNIT 1 AND PART OF VACATED BLANCHARD STREET, ALL IN THE SOUTH HALF OF SECTION 28, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF WHEATON TOWN SQUARE RECORDED APRIL 27, 1993 AS DOCUMENT R93-081379, IN DU PAGE COUNTY, ILLINOIS.

PIN 05-28-400-007 and 05-28-311-001 ("subject property").

Section 2: The special use permit issued, and planned unit development authorized pursuant to the original ordinance, and the original ordinance are amended as follows:

- A. All construction and use located within the southwest corner of the subject property shall be in substantial compliance with the following plans:
 1. The plan entitled, "Amended Building Envelope Plan for Southwest Corner of Wheaton Town Square" prepared by Cemcon, Ltd., dated 10/3/97 and revised 10/22/97, 11/08/97, 11/10/97, and 11/21/97; and
 2. The building elevation plan entitled, "Town Square Outbuilding" prepared by Pollock, Holzrichter, Nicholas, Ltd., dated October 28, 1997.
- B. The owner of the subject property shall grant to the City a public sidewalk easement within the fifteen foot wide public utility and drainage easement located upon the subject property adjacent to East Loop Road for a distance not to exceed 392 feet east of the easterly right-of-way line for Naperville Road, for purposes of allowing the relocation of an existing public sidewalk due to the construction and use of a right-turn lane on East Loop Road at its intersection with Naperville Road; this easement grant shall be without cost or expense to the City. The specific size and location of said public sidewalk easement shall be established pursuant to final engineering plans to be prepared by the City for the right-turn lane on East Loop Road. Owner shall have no responsibility for the construction of or payment for any of said improvements to East Loop Road or said public sidewalk.

Section 3: To the extent not inconsistent with the terms and provisions of this ordinance, the terms and provisions of the original ordinance are incorporated into this ordinance by this reference as though fully set forth; additionally, the original ordinance is ratified and remains in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr
Mayor

ATTEST:

Emily M. Cenizo
City Clerk

Roll Call Vote:

Ayes:

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

Nays:

None

Absent:

Councilwoman Johnson

Motion Carried Unanimously

Passed: December 15, 1997

Published: December 16, 1997