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**ORDINANCE NO. F-0227**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-1436  
"AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR THE  
FIRST NATIONAL BANK OF WHEATON, 1151 EAST BUTTERFIELD ROAD"**

WHERAS, on November 1, 1976, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-1436, "AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR THE BUTTERFIELD NATIONAL BANK DRIVE-UP FACILITY LOCATED AT THE BRIARBROOK COMMONS SHOPPING CENTER" ("original ordinance"), attached hereto as Exhibit A, authorizing the use of the premises for purposes of a drive-up banking facility for the bank on the property legally described in the original ordinance and commonly known as 1151 East Butterfield Road, Wheaton, Illinois; and

WHEREAS, on December 7, 1992, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3865 "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-1436, DATED NOVEMBER 1, 1976, AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR THE BUTTERFIELD NATIONAL BANK DRIVE-UP FACILITY LOCATED AT THE BRIARBROOK COMMONS SHOPPING CENTER" recorded on January 19, 1993 as Document #R93-012327 in the Office of the DuPage County Recorder ("amended ordinance") attached hereto as Exhibit B, which authorized the construction of a one-story addition to the existing building on the subject property; and

WHEREAS, Ordinance No. E-3865 has expired because the construction authorized by Ordinance No. E-3865 was not commenced within 18 months of approval; and

WHEREAS, following the expiration of the amended ordinance, application has been made to amend the original ordinance, and the conditional use permit granted therein, to provide for a one-story, 600 square foot addition to the existing building on the subject property; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on March 24, 1998, to consider the amendment to Ordinance No. E-1436; and the Wheaton Board of Zoning Appeals has unanimously recommended approval of an amendment to the ordinance and the special use permit granted therein.

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 property which is the subject of Ordinance No. E-1436 and this ordinance is legally described as follows:

LOT 1 IN BRIARBROOK COMMONS RESUBDIVISION OF LOT 1, IN THE SOUTH HALF OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 17, 1976, AS DOCUMENT R76-38685, IN DUPAGE COUNTY, ILLINOIS. PIN 05-27-317-023

This property is commonly known as 1151 East Butterfield Road, Wheaton, IL 60187 ("the subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit for an amendment to the original ordinance is hereby granted to provide for a one-story, 600 square foot addition to the existing building on the subject property. The special use shall be in full compliance with the following conditions, restrictions, and requirements:

- A. The proposed building addition and subject property shall be developed in substantial conformity with the plans prepared by Robert P. Lizzo, Seven South Lake Avenue, Third Lake, Illinois 60046 dated January 25, 1998; Sheets A1 thru A6, E-1 and M-1 entitled "First National Bank of Wheaton".
- B. All rooftop mechanical units shall be screened from view with a parapet wall or screening equal in height to the tallest rooftop unit.
- C. The existing parking lot lighting fixtures shall be replaced with shoebox style luminaires meeting the requirements of the City of Wheaton Zoning Ordinance.
- D. Any existing trees shall either be moved or replaced in accordance with the tree preservation provisions of the City of Wheaton Zoning Ordinance.
- E. Prior to the issuance of an occupancy permit, the owner shall cause to be installed foundation plantings and landscape materials along the south property line. Said landscaping shall be subject to the reasonable approval of the Director of Planning.
- F. Prior to the issuance of an occupancy permit, the existing pole sign shall be replaced with a monument style sign, no higher than 7 feet above grade, no more than 48 square feet in area, and constructed of materials similar to the building.
- G. The 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.

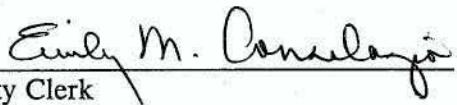
Section 3: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

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.

  
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Mayor

ATTEST:

  
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Emily M. Connelley  
City Clerk

Roll Call Vote:

Ayes:

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

Nays:

None

Absent:

Councilman Mork

Motion Carried Unanimously

Passed: April 6, 1998  
Published: April 7, 1998