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ORDINANCE NO. F-0268

**AN ORDINANCE AMENDING ORDINANCE NO. E-3191 AND F-0081
AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A
PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY
COMMONLY LOCATED AT THE NORTHEAST CORNER OF
NAPERVILLE AND BUTTERFIELD ROADS - S&W ASSOCIATES/
DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT**

WHEREAS, written application has been made to amend City Ordinance No. E-3191 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S&W ASSOCIATES/DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" to allow a tenant to occupy a certain rear space known as Space No. 73B as illustrated on the lease plan for Danada Square East prepared by Jensen & Fore Architects on July 29, 1998; and

WHEREAS, City of Wheaton Ordinance No. E-3191 has previously been amended by Ordinance Nos. E-3342 and E-3348; and

WHEREAS, pursuant to the provisions in 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 authorizing 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 conformance with the planned unit development authorized in the original ordinance; and

WHEREAS, the City has reviewed the proposed application and determined that the proposed use has limited potential to generate retail traffic and that sufficient area exists adjacent to the proposed use for safe and adequate parking and vehicle circulation lanes.

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 real estate has been and continues to be zoned and classified under the C-5 Planned Commercial District zoning classification of the Wheaton Zoning Ordinance pursuant to the terms and provisions of the original ordinance.

PART OF THE SOUTH HALF OF SECTION 28 AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 0 DEGREES 30 FEET, 40 INCHES WEST ALONG THE EAST LINE THEREOF 2,666.24 FEET TO A POINT ON THE NORTH LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131); THENCE SOUTH 85 DEGREES, 4 FEET, 16 INCHES WEST ALONG SAID NORTH LINE, 1,311.51 FEET TO THE

NORTHEAST CORNER OF THE PREMISES CONDEMNED FOR HIGHWAY PURPOSES BY COUNTY COURT CASE NO. 26046, SAID LINE BEING THE NORTH LINE OF BUTTERFIELD ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION ON AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 1,284.32 FEET TO A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION OF AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 778.91 FEET; THENCE SOUTH 89 DEGREES, 48 FEET, 49 INCHES WEST ALONG THE NORTH LINE OF SAID CONDEMNATION, 178.66 FEET TO THE EASTERN LINE OF NAPERVILLE-PLAINFIELD ROAD AS DEDICATED ACCORDING TO THE PLAT RECORDED AS DOCUMENT NO. R83-17365; THENCE NORTH 24 DEGREES, 44 FEET, 6 INCHES EAST ALONG THE EASTERLY LINE OF SAID NAPERVILLE-PLAINFIELD ROAD, 1,250.00 FEET; THENCE SOUTH 65 DEGREES, 15 FEET, 54 INCHES EAST, 864.62 FEET; THENCE SOUTH 24 DEGREES, 44 FEET, 6 INCHES WEST, 838.51 FEET TO THE NORTH LINE OF THE AFORESAID CONDEMNATION AND ALSO BEING THE NORTH LINE OF BUTTERFIELD ROAD; SAID POINT BEING THE POINT OF BEGINNING AND ALL IN DUPAGE COUNTY, ILLINOIS.

This property consists of approximately 21.7 acres and is commonly located at the northeast corner of Naperville and Butterfield Roads, Wheaton, Illinois ("subject property").

Section 2. The special use permit issued and planned unit development authorized pursuant to the original ordinance and amendment ordinance and the original ordinance and amended ordinance is hereby amended as follows:

- Q. The use of Suite 73B as identified on the lease plan of the Danada East Square Shopping Center prepared by Jensen & Fore Architects, July 29, 1998 is hereby allowed to be utilized for a printing/copying blueprint service business.

Section 3. To the extent not in consistent with the terms and provisions of this ordinance, the terms and provisions of the original ordinance and amended ordinance are incorporated into this ordinance by reference as fully setforth. Additionally the original ordinance and amended ordinance as ratified remains in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

Section 7: 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

Roll Call Vote:

Ayes:

Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Mork
Councilwoman Davenport

Nays:

None

Absent:

Councilman Johnson
Councilwoman Johnson

Motion Carried Unanimously

Passed: August 4, 1998
Published: August 5, 1998