

ORDINANCE NO. F-0274

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. F-0179,
"AN ORDINANCE AMENDING ORDINANCE NO. E-4142 AND F-0081
REGARDING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A
CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS TIF SITE 2" - LASALLE BANK**

WHEREAS, on November 6, 1995, the City Council of the City of Wheaton ("City") passed Ordinance No. E-4142, recorded on November 15, 1995, as document number R-95-161342 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 ("PUD") on the property described in Exhibit A of Ordinance No. F-0179 ("Subject Realty"); and

WHEREAS, on November 25, 1996, the City Council passed Ordinance No. F-0081 recorded on January 29, 1997, as document number R-97-13940 in the office of the DuPage County Recorder, which amended certain provisions of the special use permit including the addition of property legally described in Exhibit B of Ordinance No. F-0081 with such property included in the definition of the Subject Realty; and

WHEREAS, on October 20, 1997, the City Council passed Ordinance No. F-0179, recorded on November 25, 1997, as document number R97-181790 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 C of Ordinance No. F-0179, with such property being included in the definition of the Subject Realty; and

WHEREAS, application has been made to amend Ordinance No. F-0179 and issue a special use permit to provide for the construction and use of a one-story bank building, together with three drive-through lanes and one drive-through automated teller machine (ATM) lane on the property legally described in Exhibit A, attached to, and made a part of, this ordinance ("LaSalle Bank 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 July 28, 1998, to consider the amendment to the ordinance and request for issuance of a special use permit; and the Wheaton Board of Zoning Appeals has recommended approval of the amendment to the ordinance and issuance of the special use permit.

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: Section 1 of Ordinance No. F-0179 is deleted in its entirety, and the following section is added in lieu thereof:

"Section 1: Section 2A of the special use permit previously issued and granted for the construction and use of a planned unit development consisting of a residential condominium building, ground level retail facilities, and parking facilities on the Subject Realty is hereby amended as follows:

- A. All construction, maintenance and use of the project and Subject Realty and the LaSalle Bank property, shall be in substantial conformance with the following documents which are on file with the City Clerk:
 1. THE PLANS ENTITLED "WHEATON PLACE DEVELOPMENT GROUND FLOOR/SITE PLAN" DATED 9/12/97 PREPARED BY HIRSCH ASSOCIATES.
 2. BUILDING ELEVATION PLANS DATED 9/12/97 AND REVISED 9/23/97 PREPARED BY HIRSCH ASSOCIATES.
 3. PRELIMINARY LANDSCAPE PLAN DATED 9/23/97 PREPARED BY APPOLD DESIGN.
 4. **LASALLE BANK PROPERTY:** THE SITE PLAN DATED JULY 8, 1998 PREPARED BY HIRSCH ASSOCIATES, LANDSCAPE PLAN DATED JUNE 24, 1998, PREPARED BY APPOLD DESIGN, AND BUILDING ELEVATION PLAN DATED JULY 8, 1998 AND REVISED AUGUST 14, 1998 PREPARED BY ROBERT G. LYON & ASSOC.
 - a. Any landscaping materials to be located in the public right-of-way at the direction of the owner/developer shall first be approved by the City gardener.

- b. The proposed garbage enclosure to be constructed on the LaSalle Bank property shall be of a brick which matches the bank building; the gate shall be of solid wood, all subject to the reasonable approval of the City Planner."
- c. The landscape plan shall be revised to include a low, landscaped hedge along the property line adjacent to the parking spaces along Front Street.

Section 2: The terms and conditions contained in any and all ordinances granting and/or amending the special use permit for the planned unit development with respect to the Subject Realty shall, to the extent not expressly modified by the terms and conditions of this ordinance, remain in full force and effect as therein provided.

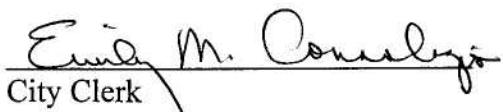
Section 3: All ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr
Mayor

ATTEST:



Emily M. Connelly
City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: September 8, 1998

Published: September 9, 1998