

ORDINANCE NO. F-0277

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING
A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A
A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED ON THE NORTHWEST
CORNER OF FAPP CIRCLE AND ROOSEVELT ROAD - BLOCKBUSTER VIDEO**

WHEREAS, an application has been made to amend the zoning map which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, and to grant approval of a special use permit for a planned unit development in order to allow the construction of a 5,040 square foot retail building on a parcel of property located on the northwest corner of Fapp Circle and Roosevelt Road; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City's Zoning Ordinance, a public hearing to consider the proposed rezoning and planned unit development was conducted by the Wheaton Board of Zoning Appeals on September 9, 1998 and the Wheaton Board of Zoning Appeals has unanimously recommended approval of the zoning amendment and planned unit development.

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 zoning map which is attached to and forms a part of the Wheaton Zoning Ordinance is amended by deleting the following described R-1 Residential District property, and including in it the C-5 Planned Commercial District zoning classification:

LOTS 10, 11 AND 12 IN BLOCK 12 IN WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179446, IN DUPAGE COUNTY, ILLINOIS. P.I.N's. 05-18-420-022 05-18-420-023 05-18-420-024

The aforementioned property is commonly located on the northwest corner of Fapp Circle and Roosevelt Road, Wheaton, IL 60187.

Section 2: Pursuant to the findings of fact as determined by the Board of Zoning Appeals, a special use permit for a planned unit development is hereby issued to allow the construction and use of a 5,040 square foot retail building in full compliance with the following plans: *"the site plan and landscape plan entitled Blockbuster Roosevelt and Fapp Circle, Wheaton, Illinois dated July 13, 1998 prepared by Chipman Adams, Ltd., Architects, 1550 N. Northwest Highway, Park Ridge, IL 60068, the exterior elevation plan entitled Blockbuster Roosevelt and Fapp Circle, Wheaton, Illinois dated August 21, 1998 prepared by Chipman Adams, and the site development plan entitled Proposed Blockbuster Video, dated July 22, 1998, prepared by Raymond E. Derbis & Associates, 7227 W. 127 Street, Palos Heights, IL 60463"* and in further compliance with the following conditions, restrictions and requirements:

A. Prior to the issuance of a site development or building permit, the site plan, building elevation plan, and landscape plan shall be revised in the following manner:

1. A bicycle rack shall be added to accommodate bicycle access to the site.
2. The proposed building shall be constructed of similar materials and color to that of the existing Target/Kohl's buildings.
3. All rooftop mechanical units shall be screened from view by a parapet wall or screening material equal in height to the tallest rooftop mechanical unit.
4. The proposed dumpster enclosure shall be constructed of materials similar to the building, with gates.
5. All signage shall be in compliance with the requirements of the City of Wheaton Zoning Ordinance and with the Target/Kohl's planned unit development.
6. The developer shall contribute 100 % of the value of the public sidewalk along Fapp Circle to the City's sidewalk fund and a section of sidewalk shall be added to connect the public walk along Roosevelt Road to the front entrance of the building.
7. The proposed trees to be planted at the southwest corner of the building shall be substituted with shrubs.

The revised plans shall be subject to the reasonable approval of the Director of Planning.

- B. Prior to the issuance of an occupancy permit, fire lanes shall be designated as directed by the City of Wheaton at the expense of the owner. Fire lane locations shall be designated by the Wheaton Fire Chief. By accepting the benefits of this ordinance and special use permit, the development of the subject property, and using the subject property as provided for in this ordinance, owner hereby authorizes the City to enforce compliance with the fire lane designation and City fire ordinances.
- C. A declaration of restrictive covenants, easements and restrictions shall be submitted and approved by the City Attorney prior to the issuance of a building permit. The declarations shall include the cross access easements and shall be recorded simultaneously with the plat of consolidation.
- D. The plat of consolidation for Wheaton Park Manor, prepared by Cemcon Ltd., 1N131 County Farm Road, Winfield, IL 60190 dated July 28, 1998 and revised September 3, 1998, is hereby approved. The mayor is authorized to sign the approval form and the City Clerk is directed to attest to the signature of the Mayor and attach a certified copy of this ordinance of approval to the plat of consolidation.
- E. 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.

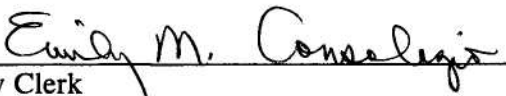
Section 3: All ordinances or parts of thereof in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

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



Mayor

ATTEST:



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 21, 1998
Published: September 22, 1998