

**ORDINANCE NO. F-0573**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND  
GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT  
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS  
303 E. FRONT STREET - TOMS-PRICE**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms the part of, the Zoning Ordinance of Wheaton, Illinois and for the issuance of a special use permit for a planned unit development to allow the construction of a two-story, 24,410 square foot addition onto the Toms-Price furniture store and construction of a new 25 car parking lot east of the proposed addition on property legally described herein within the city limits of Wheaton, Illinois, and commonly located at 303 E. Front Street, Wheaton, Illinois; and

WHEREAS, the Plan Commission reviewed the application at its March 6, 2001, meeting and has recommended approval; 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 February 27, 2001 to consider the zoning amendment and special use permit; and the Wheaton Board of Zoning Appeals has recommended approval of the zoning amendment 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: The Zoning Map, which is attached to and forms a part of the City Zoning Ordinance, is amended by including the following described C-4 zoned property in the C-4 Special Use/Planned Unit Development District zoning classification:

LOTS 1, 2, 3, 4, 5, AND 6 IN BLOCK 4 IN THE TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256 IN THE RECORDERS OFFICE OF DUPAGE COUNTY, ILLINOIS. P.I.N. 05-16-305-013 05-16-305-007 05-16-305-008

This property is commonly located at 303 E. Front Street, Wheaton ("Subject Property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is granted to permit the construction of a two-story, 24,410 square foot addition onto the Toms-Price furniture store in substantial compliance with the plans entitled "Toms-Price Furniture Store Expansion, Wheaton, Illinois; Site Plan A.10; Landscape Plan L1.0; Signage Elevations & Details L2.0; and Elevations A4.1" prepared by Antunovich Associates, 224 West Huron Street, Suite 7, Chicago, IL 60610" and in further full compliance with the following conditions, restrictions and requirements:

- A. Prior to the issuance of any site development or building permit, owner shall enter into a Fire Lane Designation and Enforcement Agreement with the City of Wheaton, providing for the designation, maintenance, and enforcement of the fire lane, which is appended and incorporated herein as Exhibit A.

B. Prior to the issuance of a site development permit, owner/developer shall:

- (1) File a final set of engineering plans with the Director of Engineering; the plans shall be subject to the reasonable approval of the Director of Engineering.
- (2) File a plat of consolidation for City Council approval.
- (3) File a site lighting plan in conformance with the requirements of the City Zoning Ordinance with the Director of Engineering; the lighting plan shall be subject to the reasonable approval of the Director of Engineering.
- (4) File a revised landscape plan which indicates the planting of additional landscape material on Scott Street, along the east property line and to screen the loading area from view; the revised landscape plan shall be subject to the reasonable approval of the Director of Planning.
- (5) File a License Agreement with the City regarding the maintenance of the landscape/streetscape improvements within the right-of-way of Front Street.

C. The owner of the Subject Property shall maintain all landscaping and plantings on the Subject Property so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved landscape plan.

D. This 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 successor, assigns, and grantees; this ordinance shall be recorded in the office of J.P. Carney, Recorder of Deeds, DuPage County, Illinois.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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

ATTEST:

Emily M. Consalvo  
City Clerk

  
\_\_\_\_\_  
Mayor

Ayes:

Roll Call Vote:  
Councilman Mork  
Councilwoman Davenport  
Councilman Eckhoff  
Councilman Gresk  
Mayor Carr

Ordinance No. F-0573  
March 19, 2001  
Page 3

Councilman Johnson  
Councilwoman Johnson

Nays: None  
Absent: None

Motion Carried Unanimously

Passed: March 19, 2001  
Published: March 20, 2001