

ORDINANCE NO. F-0771

AN ORDINANCE AMENDING ORDINANCE NO. F-0340 "AN ORDINANCE AMENDING THE CITY OF WHEATON ORDINANCE E-3822 AN ORDINANCE AMENDING THE CITY OF WHEATON ORDINANCE NO. E-3730 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 LOT 30 IN KEIM'S RESUBDIVISION OF WHEATON PARK MANOR (NORTHEAST CORNER OF ROOSEVELT AND COUNTY FARM ROADS) - TARGET STORES" DATED OCTOBER 14, 1991 - S.F. KOHL'S STORE

WHEREAS, on October 14, 1991, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3730 recorded on November 8, 1991, as Document No. R91-149804, at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS LOT 30 IN KEIM'S RESUBDIVISION OF WHEATON PARK MANOR (NORTHEAST CORNER OF ROOSEVELT AND COUNTY FARM ROAD) - TARGET STORES", DATED OCTOBER 14, 1991 ("original ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of an approximately 270, 000 square foot shopping center on the property legally described on Exhibit "A" attached hereto and commonly known as Lot 30 in Keim's Resubdivision of Wheaton Park Manor (northeast corner of Roosevelt and County Farm Roads), Wheaton, Illinois; and

WHEREAS, on September 21, 1992 the City enacted Ordinance No. E-3822 recorded on October 16, 1992 as Document No. R-92-197934 at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING THE CITY OF WHEATON ORDINANCE NO. E-3730 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 LOT 30 IN KEIM'S RESUBDIVISION OF WHEATON PARK MANOR (NORTHEAST CORNER OF ROOSEVELT AND COUNTY FARM ROADS) - TARGET STORES" DATED OCTOBER 14, 1991 - S.F. KOHL'S STORE ("first amending ordinance") which amended the site plan and building envelope plan referred to in section 3 of the original ordinance to accommodate a 74,964 square foot kohl's store in lieu of a 65,000 grocer on the plan; and

WHEREAS, on May 3, 1999 the City enacted Ordinance No. F-0340 recorded on June 11, 1999 as Document No. R1999-131161 at the DuPage County Recorder of Deeds Office, " AN ORDINANCE AMENDING ORDINANCE NO. E-3822, AN ORDINANCE AMENDING THE CITY OF WHEATON ORDINANCE NO. E-3730 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 LOT 30 IN KEIM'S RESUBDIVISION OF WHEATON PARK MANOR (NORTHEAST CORNER OF ROOSEVELT AND COUNTY FARM ROADS) - TARGET STORES" DATED OCTOBER 14, 1991 - S.F. KOHL'S STORE ("second amending ordinance") which further amended the site plan and building envelope plan referred to in section 3 of the original ordinance, and the first amending ordinance to accommodate a 65,000 square foot grocer in lieu of the 65,000 square foot multi tenant retail space on the plan; and

WHEREAS, following the enactment of the original ordinance, the first amending ordinance, and the second amending ordinance, an application has been made to further amend the site plan and building envelope plan referred to in Section 3 of the original ordinance to accommodate a 14,410 square foot building expansion of Kohl's Department Store and the removal of 59 parking spaces; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City of Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on October 22, 2002 to consider the planned unit development amendment and the Wheaton Planning and Zoning Board has recommended approval of the amendment.

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: An amendment to the original ordinance, the first amending ordinance, and the second amending ordinance is hereby granted to accommodate a 14,410 square foot building expansion of Kohl's Department Store and the removal of 59 parking spaces in substantial compliance with the plans entitled "*Kohl's Department Store Expansion: Wheaton, Illinois*", prepared by *Mackie Consultants LLC*, 9575 W. Higgins Rd., suite 500, Rosemont, IL 60018 dated April 24, 2002, "*Amended Planned Unit Development: Kohl's Expansion Wheaton, Illinois*", prepared by *Mackie Consultants LLC*, 9575 W. Higgins Rd., suite 500, Rosemont, IL 60018 dated May 10, 2002, "*Kohl's Floor Plan & Mezzanine Plan, and Elevations*", sheets A1-A2, prepared by *Schroeder and Holt Architects, LTD.*, 244 N. Broadway, Milwaukee, WI 53202 dated August 28, 2002, and "*Kohl's Landscape Plan*", prepared by *Kohl's Department Stores, Inc.* N56 W17000 Ridgewood Drive Menomonee Falls, WI 53051 dated July 17, 2002, subject to the following conditions:

1. The proposed trash compactor shall be screened using materials consistent with those of the main structure and in a fashion similar to the current trash compactor screening wall; and
2. All landscaping along County Farm Road shall be retained and further enhanced with all new landscaping subject to approval by the Staff Planner.
3. In the event a traffic control signal is approved for construction at the intersection of County Farm Road and Williams Street, at any time in the future, the owner of the subject property shall be financially responsible for a portion of the cost of the design construction and maintenance, including utility costs, of the traffic control signal. The owner's share of the cost of the traffic control signal shall be based on the number of motor vehicles traveling through the intersection and generated by their use when compared to the total number of motor vehicles going to or coming from the subject property, the commercial property on the west side of County Farm Road between Fapp Circle and Roosevelt Road and the adjacent property as evidenced by a traffic study. All other motor vehicles, generally using County Farm Road, shall not be included in this cost determination. The traffic study shall be subject to the reasonable approval of the director of engineering.

Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

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:

ATTEST:
Emily M. Connelly
City Clerk


James Corr

Roll Call Vote

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 4, 2002
Published: November 5, 2002