

ORDINANCE NO. F-1229

AN ORDINANCE AMENDING THE WHEATON ZONING MAP  
BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT-  
1101 E. ROOSEVELT ROAD/MALLON

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, by the issuance of a special use permit for a Planned Unit Development in order to allow the demolition of an existing commercial building and construction of a 4,100 square foot bank with drive-thru, 3,380 square foot retail building and 34 space parking lot, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 1101 E. Roosevelt Road; ("Subject Property") and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on September 26, 2006 and October 10, 2006, to consider the issuance of the special use permit; and the Board has recommended the issuance of the special use permit for planned unit development;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** The following described property has been and continues to be zoned and classified in the C-3 General Commercial District zoning classification:

PARCEL 1:

PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 15,  
TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL  
MERIDIAN, DESCRIBED AS FOLLOWS:

THE WEST 55 FEET OF THE EAST 275 FEET; THE WEST 55 FEET OF THE EAST 330 FEET AND THE WEST 55 FEET OF THE EAST 440 FEET; ALL IN THAT PART OF THE SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR, A SUBDIVISION OF PART OF SAID SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  LYING WEST OF AND ADJOINING THE EAST LINE OF SAID BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION; ALSO THE WEST 55 FEET OF THE EAST 385 FEET OF THE SOUTH 170 FEET OF THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING BLOCK 8 IN SAID LOWELL MANOR, ALSO THE WEST 55 FEET OF THE EAST 495 FEET OF THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR SUBDIVISION; LYING WEST OF AND ADJOINING THE EAST LINE OF SAID BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION, AND ALSO THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR SUBDIVISION; LYING EAST OF THE EAST LINE OF PRESIDENT STREET AND LYING WEST OF A LINE DRAWN PARALLEL WITH AND 495 FEET WEST OF THE EAST LINE OF SAID BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION 15; EXCEPTING THEREFROM THE

R-2006-237032

FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

BEGINNING AT A POINT WHICH IS 33 FEET EAST OF THE WEST LINE OF SAID SECTION 15 AND IS 158 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 15; THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SECTION 15 A DISTANCE OF 125 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SECTION 15, A DISTANCE OF 125 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ROOSEVELT ROAD; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF ROOSEVELT ROAD A DISTANCE OF 125 FEET; THENCE NORTH ALONG A LINE 33 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING, AND ALSO EXCEPT THE SOUTH 33 FEET OF EACH OF THE TRACTS DESCRIBED IN THE ABOVE CAPTION THAT HAS BEEN DEDICATED FOR ROOSEVELT ROAD AND ALSO EXCEPT THAT PART TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS IN CASE 88ED-192, ALL IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 55 FEET OF THE EAST 220 FEET OF THE SOUTH 170 FEET OF THAT PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF AND ADJOINING BLOCK 8 IN LOWELL MANOR, A SUBDIVISION IN THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS IN CASE 88ED-193, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-15-324-019, 05-15-324-018

The subject property is commonly known as 1101 E. Roosevelt Road, Wheaton, IL 60187.

**Section 2:** Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a special use permit is hereby issued on the subject property to allow the demolition of an existing commercial building and construction of a 4,100 square foot bank with drive-thru, 3,380 square foot retail building and 34 space parking lot, in full compliance with Building elevations titled "A New Branch Facility for Amcore Bank," Sheet A-2, prepared by Larson & Darby Group, Rockford, IL, 61125, dated February 3, 2006; the floor plans titled "A New Branch Facility for Amcore Bank," prepared by Larson & Darby Group, Rockford, IL, 61125, dated August 14, 2006 and revised on September 14, 2006; the building elevation plans entitled "Roosevelt Road Retail Building, Schematic Design," Sheet A1.0, prepared by Heights

Venture Architects, LLP, Addison, TX, 75001, dated August 18, 2006; "Preliminary Engineering Plan, Site Layout Plan," Sheet SP-03; "Preliminary Engineering Plan, Site Landscape and Tree Preservation Plan," Sheet SP-06; and "Preliminary Plat;" all prepared by Atwell-Hicks, Naperville, IL, 60563, all dated August 24, 2006; and in further compliance with the following conditions, restrictions, and requirements:

1. The President Street service drive shall be utilized as a "one-way in" access to the subject property; and
2. A fence and/or landscape screening shall be provided along the north property line in accordance with Article VI of the Wheaton Zoning Ordinance, and landscaping shall be provided behind and adjacent to the proposed retail building, subject to the approval of the Director of Planning and Economic Development. If necessary, said landscaping shall be located on the properties to the north of the subject property, as contemplated by the City of Wheaton Comprehensive Plan, subject to the approval of the individual property owner; and
3. The red brick masonry pattern shall be continued along the back of the retail building instead of the CMU masonry; and
4. All rooftop mechanical units shall be screened from view; and
5. The two ground signs shown on the site plans shall be monument signs as defined by Article 23.7b of the City of Wheaton Zoning Ordinance and be built with brick bases to match the buildings; and
6. The proposed trash enclosure shall be constructed of brick to match the building; and
7. The applicant shall submit a plat of resubdivision to the City for review and approval; and
8. The owner of the subject property shall create a cross access easement ("easement") for the benefit of the parcel of land immediately adjacent to and west of the subject property. The size, specification, location and detail of the easement shall be illustrated and created on a plat of resubdivision of the subject property in order to allow a full access drive to President Street in the future. The easement shall provide access and benefit of use for President Street ingress and egress of motor vehicle traffic into and out of the subject property and the parcel of land immediately west of and adjacent to the subject property. The size, specification, location, detail, terms and conditions of the easement shall be subject to the reasonable approval of the City Director of Engineering.

If constructed in the future, the full President Street access shall be located near the north

property line of the subject property and the adjacent parcel to the west at a distance equal to the minimum landscape setback required for such a yard as contained in Article 6 of the City of Wheaton Zoning Ordinance.

The future full President Street access requirement shall remain in effect for a period of 10 years following the date of this ordinance. In the event the adjacent property to the west has not then developed, pursuant to the provisions of the codes and ordinances of the City, this full President Street access requirement shall automatically terminate.

The cost of constructing the full President Street access, together with interconnection between the subject property and the adjacent property to the west, shall be the responsibility of the owner(s)/developer(s) of both the subject property and the adjacent property to the west. Each owner's share of the cost of the improvement shall be based on the projected number of motor vehicles traveling through the improvement and going to or coming from the respective parcels, as evidenced and projected by a traffic study. The traffic study shall be subject to the reasonable approval of the City Director of Engineering.

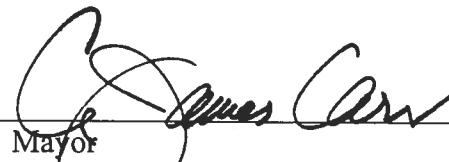
In the event the owners of the subject property and the adjacent parcel to the west are unable to agree upon the allocation of the costs of the construction and maintenance of the improvement, the construction and maintenance cost allocations shall be made and determined by the City Director of Engineering; and his decision shall be final.

9. Signage, guard rails, or other devices shall be provided along the President Street service drive to address safety concerns, subject to the approval of the Director of Engineering.
10. Developer shall enter into a Fire Lane Designation and Enforcement Agreement with the City in substantial compliance with Exhibit "A".

**Section 3:** Demolition of the existing commercial improvement on the subject property is authorized and approved.

**Section 4:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

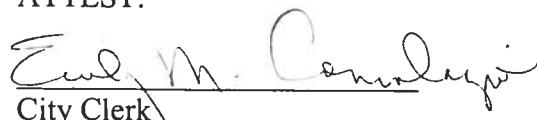
**Section 5:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr

Mayor

ATTEST:



Emily M. Connelley

City Clerk

**ROLL CALL VOTE:**

Ayes:

Councilman Mouhelis  
Councilman Suess  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays:

None

Absent:

None

**Motion Carried Unanimously**

Passed: November 20, 2006  
Published: November 20, 2006

**EXHIBIT "A"**

**FIRE LANE DESIGNATION AND ENFORCEMENT AGREEMENT**

THIS AGREEMENT is made and entered into this    day of                    2006, by and between the City of Wheaton, an Illinois Municipal Corporation, 303 W. Wesley Street, Wheaton, Illinois 60189 (hereinafter referred to as "CITY") and \_\_\_\_\_ (hereinafter referred to as "OWNER(S)"), OWNER(S) of the property located at \_\_\_\_\_, within the corporate limits of the City of Wheaton, Illinois \_\_\_\_\_ (hereinafter referred to as "Subject Property"), and which is legally described below:

(INSERT LEGAL(S) AND P.I.N(S))

**RECITALS**

WHEREAS, the OWNER(S) desire to establish Fire Lanes upon the Subject Property to improve the health and safety of the citizens of Wheaton; and

WHEREAS, the CITY believes that it is in the best interests of the public health and safety that Fire Lanes be established, maintained and enforced upon the Subject Property.

NOW, THEREFORE, in consideration of the mutual covenants and obligations contained herein, the OWNER(S) and CITY agree to the following in regards to the Subject Property:

1. The CITY Fire Chief, Chief of Police or their designated representative and OWNER(S), shall identify the specific Fire Lane locations within the Subject Property which shall, pursuant to the terms of this Agreement and Ordinance No.                    be regulated. The specific locations of the Fire Lane(s) to be enforced shall be as set forth on the Site Plan ("Plan")

attached hereto and fully incorporated into this Agreement as Exhibit “ ”. The CITY Fire Chief, Chief of Police or their designated representative and OWNER(S) or designated representative may from time to time mutually agree to amend the Fire Lane(s) location(s) as set forth in the Site Plan. At such time, the Site Plan shall be amended and appended to this Agreement as an Amended Exhibit “ ”.

2. The OWNER(S) are responsible for providing any required pavement markings.
3. The OWNER(S), at their sole expense, shall be responsible for obtaining, erecting and maintaining the appropriate signage in accordance with applicable CITY and State of Illinois regulations and specifications.
4. The CITY shall inspect and approve the signage prior to entering into this Agreement. The CITY Fire Chief, Chief of Police or their designated representative may require additional signage and/or pavement markings, if it is later determined that the inspected and approved signage does not provide adequate notification of the established fire lanes.
5. Upon execution of this Agreement, the CITY will enforce the Fire Lane parking and standing prohibitions and the Fire Lane maintenance requirements contained in Sections 70-355 and 30-2 of the Wheaton City Code in regards to the Subject Property. No “special duty” to third persons shall be imposed by this Agreement. The CITY’s enforcement obligation shall be legally the same as it is with all other ordinances.
6. This Agreement may be terminated by either party by providing not less than thirty (30) days notice to the other party of the intention to terminate this Agreement.
7. This Agreement shall be assignable by OWNER(S) to their successors in interest

upon the sale or lease of the Subject Property.

8. The OWNER(S) hereby agrees to release and hold harmless, indemnify and defend (including the payment of all costs and attorneys' fees) the CITY, its Officers, Agents and Employees, in connection with any and all actions or claims for any loss, damage, personal injury or death occurring as a consequence of the performance of this Agreement.

9. The sole remedy available to the OWNER(S), upon any breach of this Agreement by the CITY, shall be the termination of the Agreement. It is of the essence of this Agreement that the CITY shall not be liable in money damage for any breach of this Agreement.

10. Whenever notice to the CITY is required, it shall be addressed to:

City Clerk  
City of Wheaton  
303 West Wesley Street  
Wheaton, IL 60189-0727

Whenever notice to the Owner is required, it shall be addressed to:

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IN WITNESS WHEREOF, the parties hereto have executed this instrument by their duly authorized officers of the day and year first above written.

CITY OF WHEATON, ILLINOIS, a Municipal Corporation

BY: \_\_\_\_\_  
City Manager

ATTEST: \_\_\_\_\_  
City Clerk

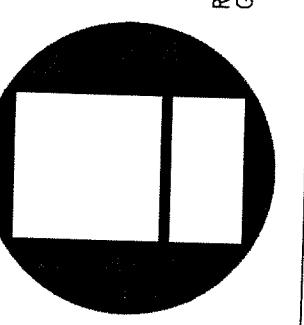
BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_



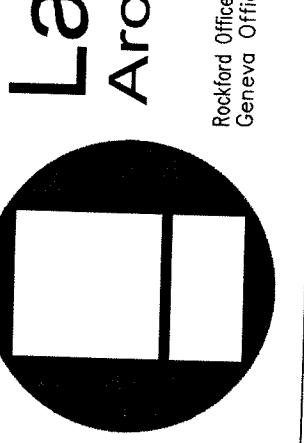


**Larson & Darby Group**  
Architects Engineers Planners



**AMCORE Bank**  
A NEW BRANCH FACILITY FOR:  
ROOSEVELT AND PRESIDENT  
WHAETON, ILLINOIS

AMCORE  
Bank



PROGRESS PRINT  
Not For Construction  
Date: 09-14-2006

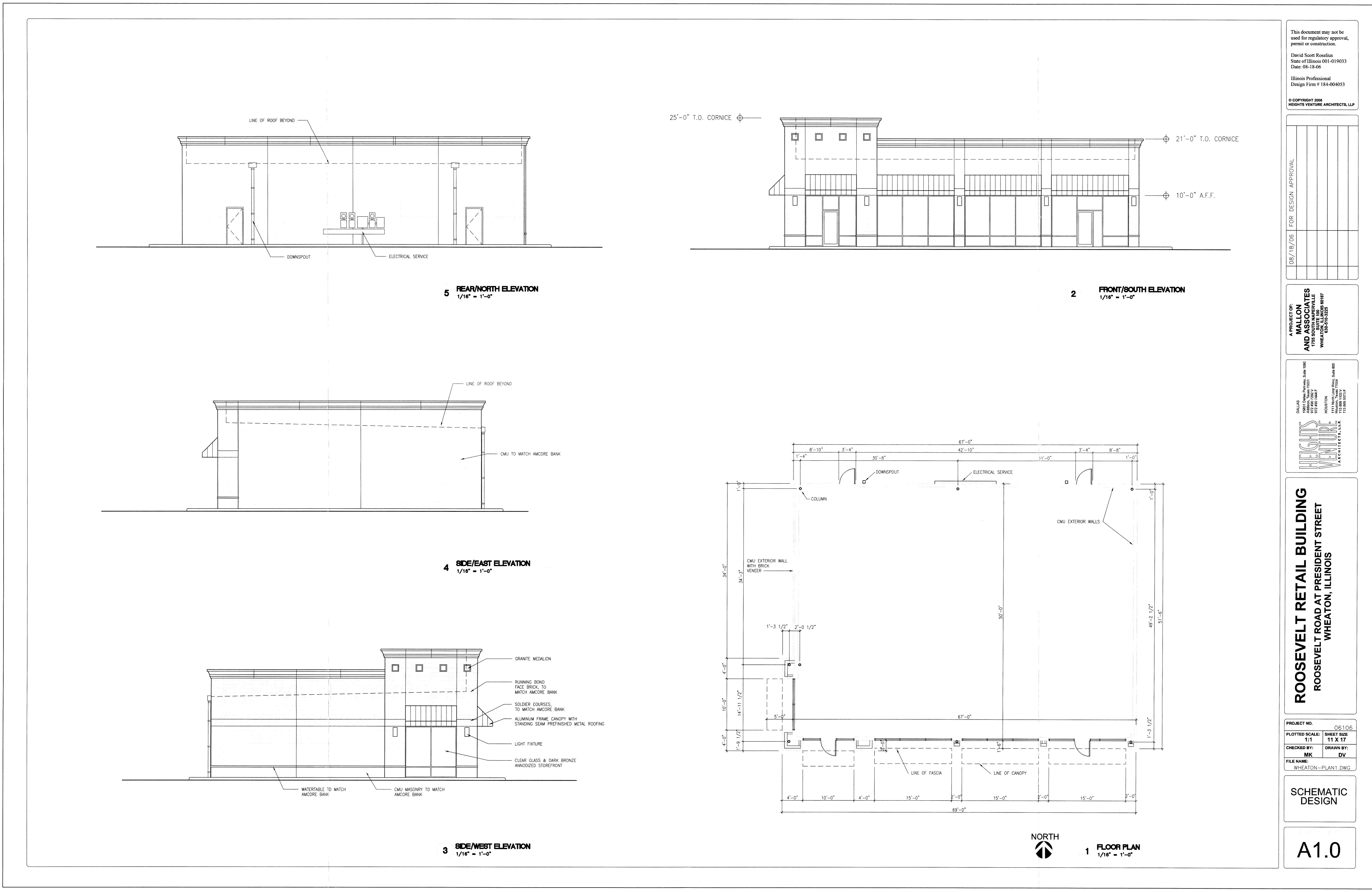
DATE: 09-14-2006  
PROJECT NUMBER  
SHEET NUMBER  
DRAWN APPROVED

COPYRIGHT 2006  
All drawn and written information  
herein is the property of Larson & Darby Group.  
It is to be used only for the project  
described above and is not to be  
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consent of Larson & Darby Group.

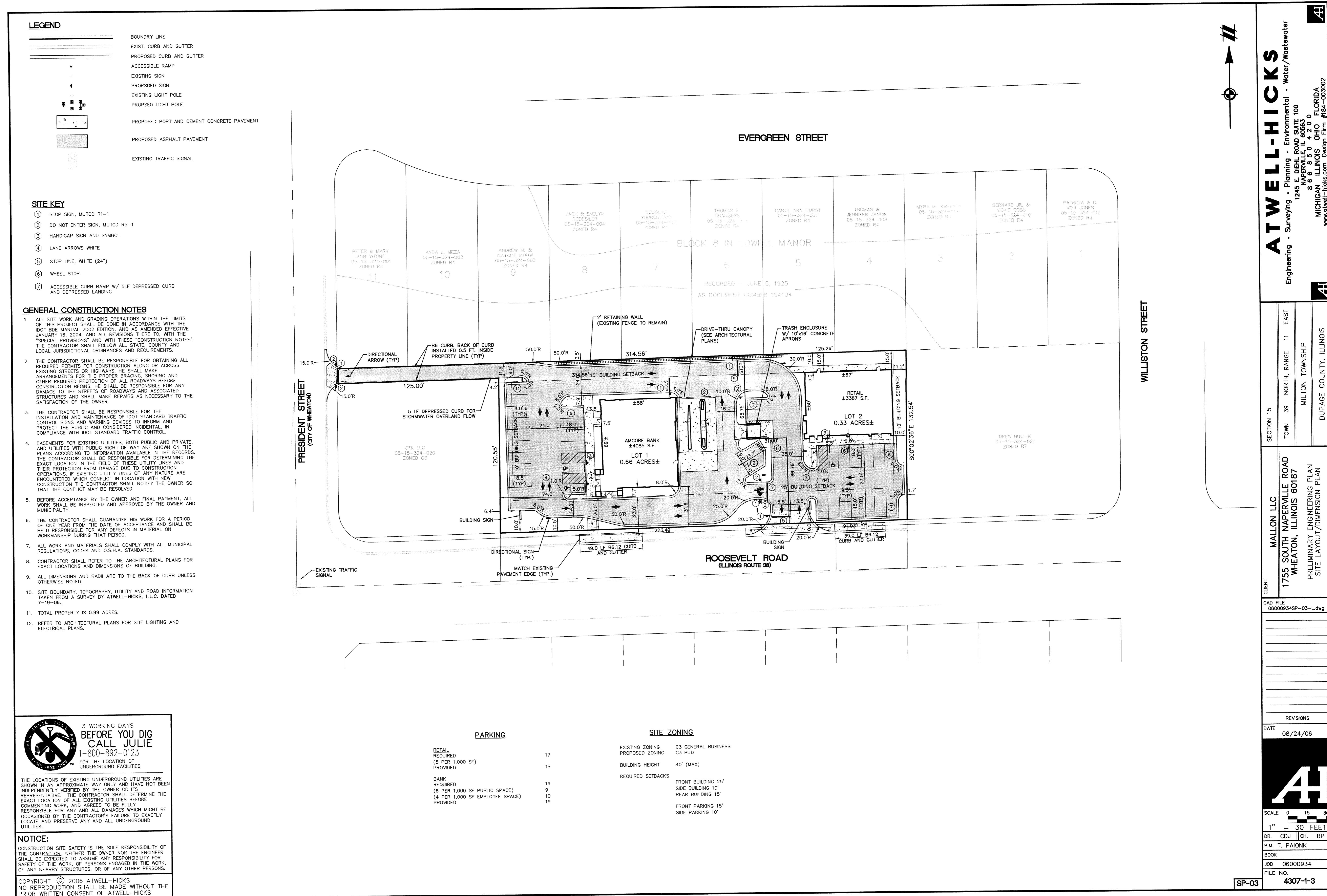
Larson & Darby Group  
Corporate Office: 324 West State St. Geneva, IL 60134

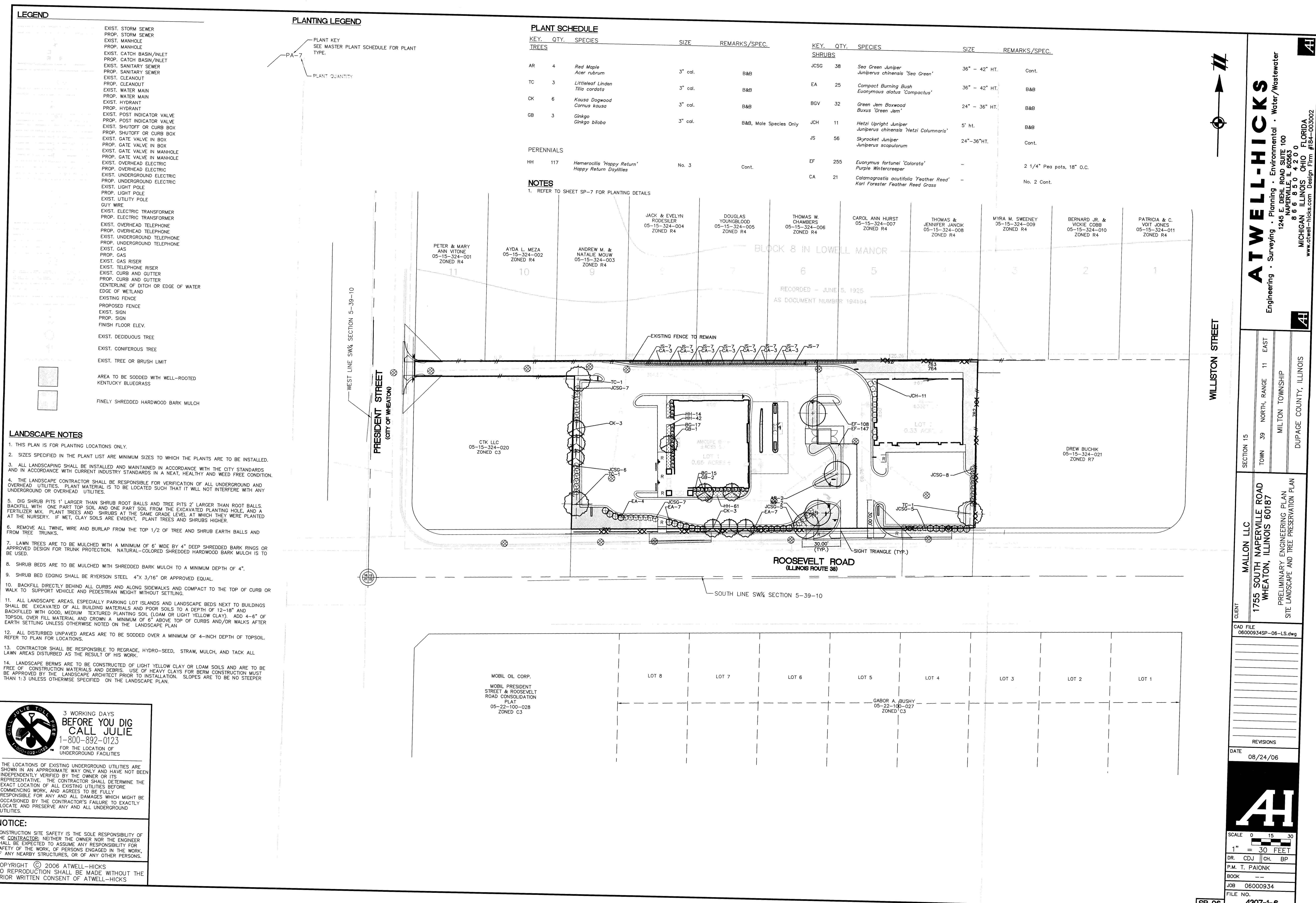
Local Office: 409 Marion St., Suite 100, Rockford, IL 61105 Tel: 815.962.5207 Fax: 815.962.9881

Local Office: 324 West State St. Geneva, IL 60134 Tel: 630.232.0551 Fax: 630.232.4750



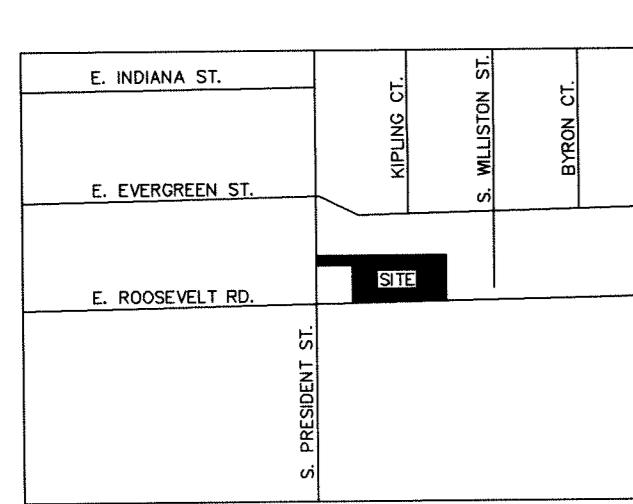






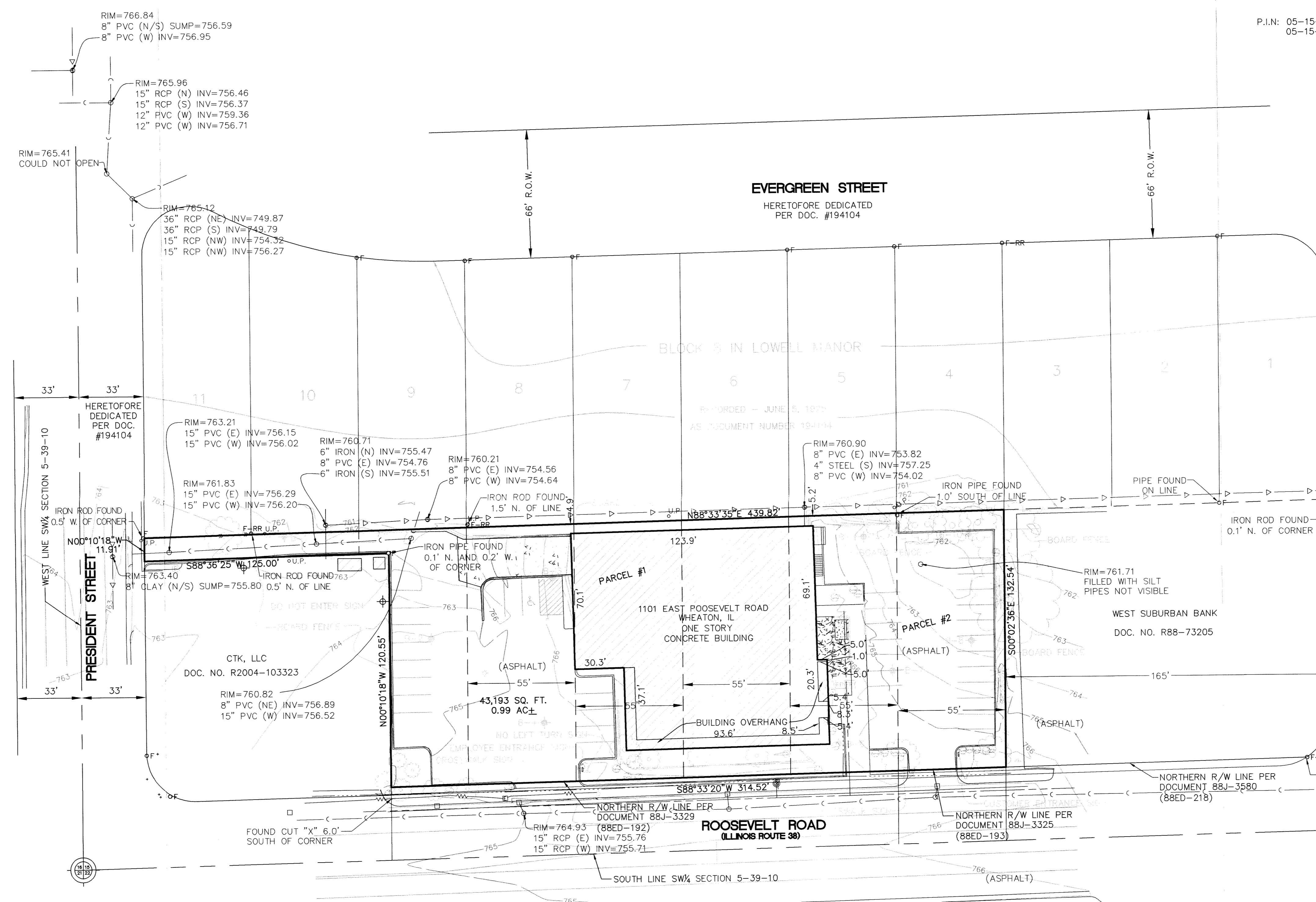
# ALTA/ACSM LAND TITLE SURVEY

## VICINITY MAP (NOT TO SCALE)



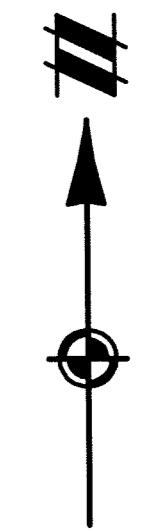
## LEGEND

+ F	TRAVERSE POINT
+ F-RR	FOUND CUT CROSS
OF	FOUND IRON PIPE
CD	FOUND IRON PIPE
◎	STORM MANHOLE/CATCH BASIN
WATER VALVE	WATER VALVE
WATER SHUTOFF	WATER SHUTOFF
ELECTRIC MANHOLE	ELECTRIC MANHOLE
HYDRANT	HYDRANT
UTILITY POLE	UTILITY POLE
SIGN	SIGN
BOLLARD (POST)	BOLLARD (POST)
LIGHT	LIGHT
SOIL BORING NUMBER	SOIL BORING NUMBER
MONITORING WELL	MONITORING WELL
EXISTING DECIDUOUS TREE	EXISTING DECIDUOUS TREE
EXISTING FLAG POLE	EXISTING FLAG POLE
EXISTING CONIFEROUS TREE	EXISTING CONIFEROUS TREE
EXISTING SHRUB	EXISTING SHRUB
CONCRETE CURB	CONCRETE CURB
UNDERGROUND GAS	UNDERGROUND GAS
UNDERGROUND STORM	UNDERGROUND STORM
UNDERGROUND SANITARY	UNDERGROUND SANITARY
UNDERGROUND WATERMAIN	UNDERGROUND WATERMAIN
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
WALL	WALL
BUILDING	BUILDING
CONCRETE	CONCRETE
GRAVEL	GRAVEL
SECTION CORNER	SECTION CORNER



P.I.N. 05-15-324-018  
05-15-324-019

BASIS OF BEARINGS: ILLINOIS STATE PLANE COORDINATES EAST ZONE-NAD83.



## ATWELL-HICKS

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NAPERVILLE, IL 60543  
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2.0  
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www.atwell-hicks.com Design Firm

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CLIENT: MALLON AND ASSOCIATES SECTION 15  
ALTA/ACSM LAND TITLE SURVEY TOWNSHIP 39 NORTH, RANGE 10 EAST  
1101 EAST ROOSEVELT ROAD MILTON TOWNSHIP  
WHEATON, ILLINOIS DUPAGE COUNTY, ILLINOIS

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07-31-06 ALTA/ACSM LAND TITLE SURVEY  
ADDED LAND STRIPPING  
REVISIONS

DATE: 07-19-2006

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