

**ORDINANCE NO. F-1249**

**AN ORDINANCE AMENDING ORDINANCE F-0385, "AN ORDINANCE AMENDING ORDINANCE F-0340 AND E-3822 "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE 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**, on September 7, 1999, the City enacted Ordinance No. F-0385 recorded on September 30, 1999 as Document R1999-208452 at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING ORDINANCE NO. F-0340 AND 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 (“third amending ordinance”) which further amended the site plan, landscaping plan, and building elevation plan referred to in the second ordinance to allow a special use permit for a drive-up pharmacy pick up window on the east side of the proposed grocery store; and

**WHEREAS**, following the enactment of the original ordinance, the first amending ordinance, second amending ordinance and third amending ordinance, an application has been made to further amend the site plan, landscaping plan, and building elevation plan referred to in the second and third amendments to accommodate a 1,846 square foot expansion of the grocery store (former Cub Foods Supermarket), removal of the drive-up pharmacy pick up window, and relocation of 8 parking spaces; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

**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, the second amending ordinance, and the third amending ordinance is hereby granted to accommodate a 1,846 square foot expansion of the grocery store (former Cub Foods Supermarket) legally described herein as Exhibit “A”, “Subject Property”, removal of the drive-up pharmacy pick up window, and relocation of 8 parking spaces in substantial compliance with the plans entitled “*Ultra Foods, Site Plan*” dated 11/21/06 and “*Ultra Foods, Exterior Elevations*,” dated 11/03/06 and revised 12/26/06, both prepared by Planmark Design Services Group, 6533 Flying Cloud Drive Suite 100, Eden Prairie, MN 55344 and subject to the following conditions and requirements:

1. Any rooftop mechanical equipment must be screened from view.
2. Foundation plantings shall be provided along the east side of the store and trees shall be added to both the north and south ends of the area of new construction. Said plantings shall be subject to the reasonable approval of the Director of Planning and Economic Development.

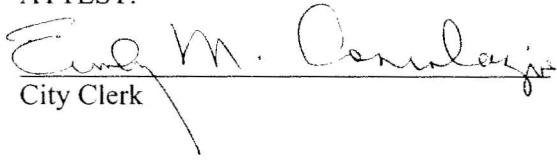
Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

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.

  
Mayor

ATTEST:

  
City Clerk

Roll Call Vote

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

Nays:      None

Absent:      None

Motion Carried Unanimously

Passed:      January 16, 2007  
Published:      January 17, 2007

**EXHIBIT "A"**

LOT 3 OF TARGET'S FIRST RESUBDIVISION, BEING PART OF THE SOUTH QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON DECEMBER 10, 1992 AS DOCUMENT R92-241058 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-18-440-005

The Subject Property is commonly known as 501 S. County Farm Road, Wheaton, IL 60187.