

ORDINANCE NO. F-1259

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NUMBER F-1220
PERTAINING TO A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT
THE NORTHWEST CORNER OF LEASK LANE AND BUTTERFIELD ROAD –
811 EAST BUTTERFIELD ROAD/GUINNESS DEVELOPMENT LLC**

WHEREAS, on November 6, 2000, the City of Wheaton, Illinois, (“City”) enacted City Ordinance No. F-0532, (“original ordinance”) which allowed a planned unit development for the construction and use of a free standing restaurant and a separate multi-tenant retail building on the property legally described in this ordinance and the original ordinance and commonly known as 811 East Butterfield Road, Wheaton, Illinois (“subject property”); and

WHEREAS, the restaurant authorized in the original ordinance was never constructed and application was made to amend the original ordinance and existing planned unit development to allow for the construction of a 9,908 square foot multi-tenant retail building with a drive through bank facility at the existing Danada Creek Center; and

WHEREAS, on November 6, 2006, the City enacted City Ordinance No. F-1220, (“amended ordinance”) which amended the original ordinance and existing planned unit development to allow for the construction of a 9,908 square foot multi-tenant retail building with a drive through bank facility at the existing Danada Creek Center; and

WHEREAS, application has now been made to further amend the amended ordinance to revise the site and building plans to delete the approved drive through banking lanes 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, 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-5 Planned Commercial District/PUD:

LOT 1 AND LOT 2 IN GUINNESS RESUBDIVISION, BEING A RESUBDIVISION OF
LOT 2 IN BRIGHTON GARDENS SUBDIVISION, BEING A RESUBDIVISION OF
LOT 12 IN DANADA FARMS EAST UNIT 1, BEING A SUBDIVISION OF PART OF
SECTION 28 AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH,
RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE
PLAT THEREOF RECORDED JANUARY 2, 2001, AS DOCUMENT R2001-
000741, IN DUPAGE COUNTY, ILLINOIS
P.I.N. 05-28-403-032, 05-28-403-033

The subject property is commonly known as 811 E. Butterfield Road, Wheaton, IL 60187

Section 2: Pursuant to the Findings of Fact made and determined by the City Council, the amended ordinance and special use permit for planned unit development are hereby further amended, and a special use permit is hereby issued, to allow for the deletion of the drive through banking lanes on the subject property in full compliance with the site plan prepared by Benedetto Reitan Architects, LLC, Schaumburg, IL, entitled "Site Plan" Sheet ST1 dated January 12, 2007, and in further compliance with the following condition, restriction and requirement:

A. The sidewalk shown along the east side of the proposed building shall be deleted from the plan and replaced with landscaping. A crosswalk shall be painted across the drive aisle at the front of the existing and proposed retail buildings;

Section 3: In all other respects, the terms, conditions and provisions of the original and amended ordinances are ratified and remain in full force and effect.

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:

Edie M. Connelly
City Clerk

Roll Call Vote:

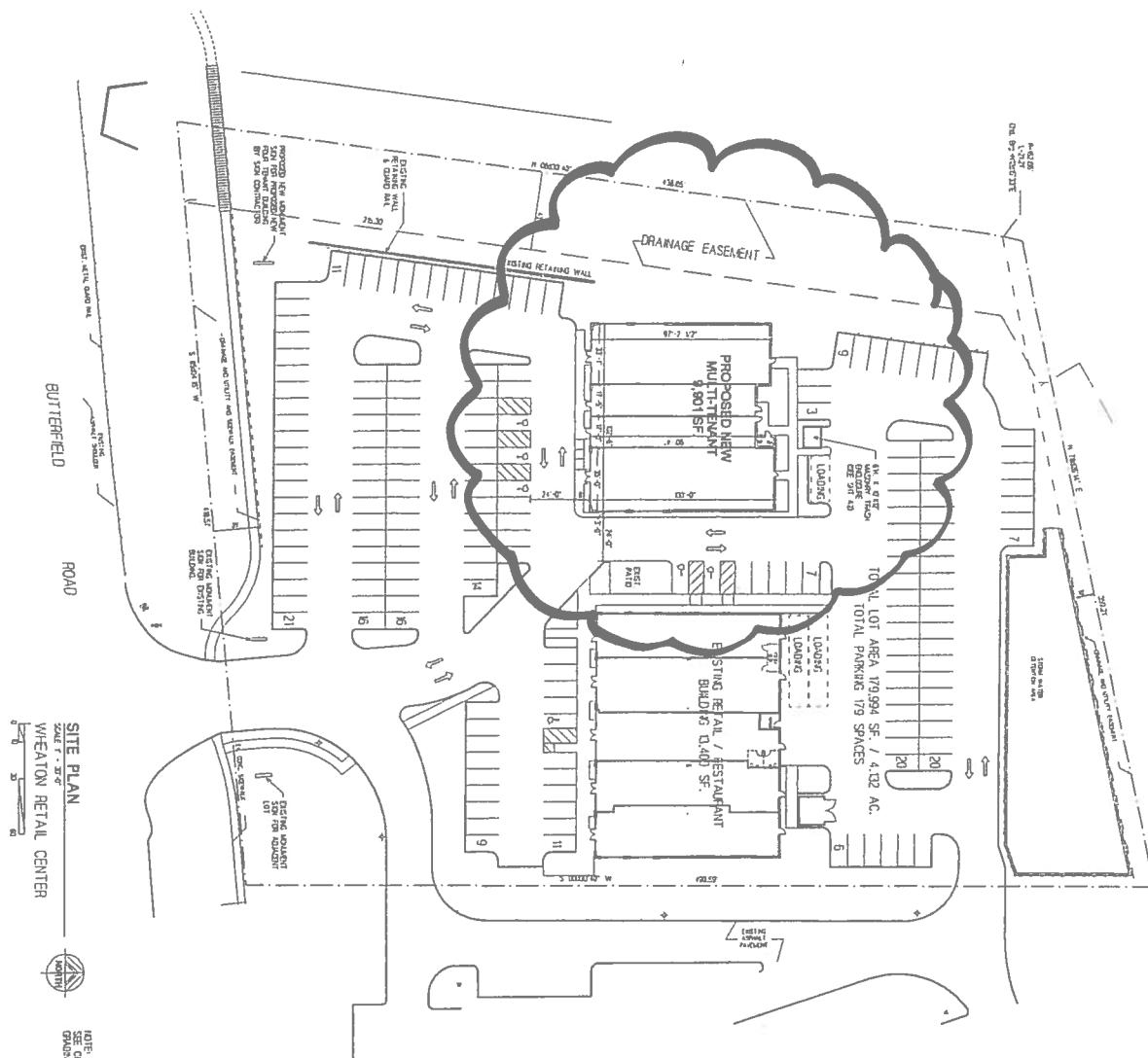
Ayes: Councilman Levine
Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 20, 2007
Published: February 21, 2007



proposed plan