

ORDINANCE NO. F- 1274

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE
NUMBERS E-3324 AND E-3812 PERTAINING TO A CERTAIN PIECE OF PROPERTY
COMMONLY KNOWN AS 2030 SOUTH NAPERVILLE ROAD/MCDONALDS**

WHEREAS, on May 16, 1988, the City of Wheaton, Illinois, ("City") enacted City Ordinance No. E-3324, recorded on June 23, 1988, as Document No. R88-066625, at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A MCDONALD'S FAST FOOD RESTAURANT – KEIM'S DANADA FARMS WEST RESUBDIVISION OF LOT 4" ("original ordinance") authorizing the issuance of a special use permit for a planned unit development for the construction and use of a 5,150 square foot McDonald's fast food restaurant with a drive-through window on the property legal described on Exhibit "A" attached hereto and commonly known as 2030 S. Naperville Road, Wheaton, Illinois; and

WHEREAS, on August 3, 1992, the City enacted Ordinance No. E-3812, recorded on September 1, 1992 as Document R92-166400, at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3324, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A MCDONALDS FAST FOOD RESTAURANT – KEIM'S DANADA FARMS WEST RESUBDIVISION OF LOT 4", DATED MAY 16, 1988 (OUTDOOR CHILDREN'S PLAY AREA)" to amend the original ordinance and authorize the construction of an outdoor children's play area ("playplace") in front of the restaurant on the subject property; and

WHEREAS, following the enactment of the original ordinance and the first amending ordinance, an application has been made to further amend the special use permit for planned unit development to allow the reconfiguration of the drive-through to provide dual order lanes, construction of a 20 square foot addition to the building, elimination of eight parking spaces, and replacement of the outdoor children's play area with an outdoor seating area; 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 April 10, 2007, to consider the requested amendment to the original ordinance; and the Board has recommended approval of the amendment.

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: Pursuant to the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, the amended ordinance for planned unit development is hereby further amended, to allow for the reconfiguration of the drive-through to provide dual order lanes, construction of a 20 square foot addition to the building, elimination of eight parking spaces, and replacement of the outdoor children's play area with an outdoor seating area on the subject property in full compliance with the final engineering plans entitled "McDonald's – Wheaton, IL (LC #12-1069)", sheets C-1 to C-3, L-1, and SD-1 to SD-3, prepared by Watermark Engineering, Aurora, IL, dated July 31, 2006; the elevations entitled "Floor Plan/Elevations,"

Sheet A1.4, prepared by Infinity Dzines, Inc., Carpentersville, IL, dated July 26, 2006; and the outdoor seating area plan entitled "Site Plan & Detail," prepared by Infinity Dzines, Inc., Carpentersville, IL, dated March 19, 2007; and in further compliance with the following conditions, restrictions, and requirements:

- A. Brick columns, planter boxes, or other similar improvements shall be constructed on the corners of the proposed outdoor seating area, subject to the reasonable approval of the Director of Planning and Economic Development; and
- B. All exterior light fixtures shall be replaced or modified to eliminate glare at eyelevel at the property line and direct illumination downward, subject to the reasonable approval of the Director of Planning and Economic Development.

Section 2: 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 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

James Caw
Mayor

ATTEST:

Cindy M. Donley
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: April 16, 2007
Published: April 17, 2007

EXHIBIT "A"

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33 AND THE NORTHEAST HALF OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF DANADA FARMS WEST LOOP SUBDIVISION AS RECORDED BY DOCUMENT R87-137955 DATED SEPTEMBER 17, 1987, THENCE NORTH 24 DEGREES 44 MINUTES 6 SECONDS EAST ALONG THE WEST R.O.W. OF NAPERVILLE ROAD AS RECORDED BY DOCUMENT 419044 AND R83-17365, 160.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 15 MINUTES 54 SECONDS WEST ALONG A LINE PARALLEL TO AND 150.00 FEET NORTHEASTERLY OF THE SOUTH LINE OF LOT 4 OF AFOREMENTIONED DANADA FARMS WEST LOOP SUBDIVISION 305.00 FEET; THENCE NORTH 24 DEGREES 44 MINUTES 6 SECONDS EAST ALONG A LINE PARALLEL TO AND 305.000 FEET WESTERLY OF THE WEST R.O.W. OF NAPERVILLE ROAD 201.00 FEET THENCE SOUTH 65 DEGREES 15 MINUTES 54 SECONDS EAST PARALLEL TO THE PENULTIMATE COURSE 305.00 FEET TO A POINT ON THE WEST R.O.W. OF NAPERVILLE ROAD; THENCE SOUTH 24 DEGREES 44 MINUTES 6 SECONDS WEST ALONG THE WEST R.O.W. OF NAPERVILLE ROAD 201.00 FEET TO THE POINT OF BEGINNING; ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-28-300-017

The subject property is commonly known as McDonalds Restaurant, 2030 S. Naperville Road, Wheaton, IL 60187.