

**ORDINANCE NO. F- 1471**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3972  
“AN ORDINANCE AMENDING THE WHEATON ZONING MAP  
AND GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT  
ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE  
NORTHEAST CORNER OF EAST LOOP ROAD AND BUTTERFIELD ROAD  
GRADY’S/COZYMEL’S RESTAURANTS” - CHICK-FIL-A**

**WHEREAS**, The City of Wheaton, Illinois, (“City”), has previously enacted City Ordinance Nos. E-3972 (“Original Ordinance”) recorded on May 2, 1994 as Document No. R94-100840 in the Office of the DuPage County Recorder which granted a special use permit for a planned unit development to allow the construction and use of two (2) restaurants, on the subject property described in the Original Ordinance; and

**WHEREAS**, application has been made to amend the special use permit for planned unit development approved in the Original Ordinance in order to demolish the existing restaurant on the property commonly known as 301 East Loop Road and legally described herein (“Subject Property”) in order to construct a new restaurant with a drive-thru lane; 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 January 12, 2010, 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, DuPage 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 zoning classification:

LOT 1 IN DANADA FARMS EAST UNIT 4, BEING A RESUBDIVISION OF LOT 11 IN THE 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 APRIL 10, 1996 AS DOCUMENT R96-0858160, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-28-403-028

The subject property is commonly known as 301 East Loop Road, Wheaton, IL 60189.

**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 construction of a 4,429 square foot restaurant with a single drive-thru lane, in full compliance with the plans entitled “Preliminary Engineering Plans, Landscape Plan, Vehicle Stacking, Sheets

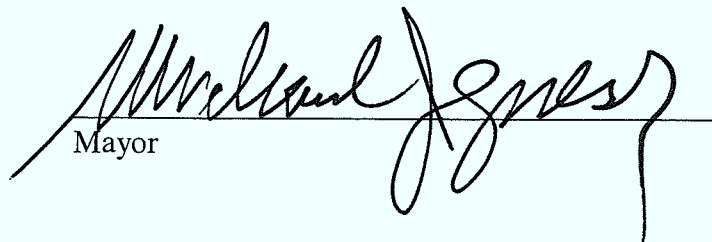
C-0.0, C-0.1, C-1.0, C-2.0, C-3.0, C-4.0, LP-1.0, EXH, prepared by Woolpert, Oakbrook Terrace, IL, dated, December, 2009; Site Plan, Sheet SP-1.0, prepared by Woolpert, Oakbrook Terrace, IL, dated December 2009, Revised January 14, 2010; Exterior Elevations, Floor Plans, Refuse Enclosure, Sheets A-2.1, A-2.2, A-1.1, A-3.4, prepared by E & H Architects, Brentwood, TN, dated December 3, 2009"; and in further compliance with the following conditions, restrictions, and requirements:

1. The proposed sidewalk and patio area shall be constructed with permeable pavers.
2. Prior to the issuance of an occupancy permit, the applicant shall submit a report to the City outlining what environmentally friendly practices were incorporated into the demolition and construction of the project.
3. The landscaping plan shall be revised to include additional screening around the perimeter of the trash enclosure.
4. The Developer shall enter into a Fire Lane Designation and Enforcement Agreement with the City in substantial compliance with Exhibit "A".
5. The demolition of the existing structures on the Subject Property shall be authorized by this Ordinance. Demolition of said structures, however, shall be carried out in conformance with Wheaton City Code Chapter 22, Article XIV, with the exception that the Developer shall not be required to wait 30 days prior to commencing demolition from the date of submitting a demolition permit application to the Building and Code Enforcement Department, and shall not be required to hold a "neighbor meeting" at least 30 days prior to submitting an application for building demolition.

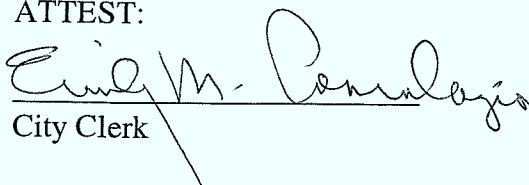
**Section 3:** In all other respects, the terms and conditions of the original ordinance are ratified and remain in full force and effect.

**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.

  
Mayor

ATTEST:

  
City Clerk

ROLL CALL VOTE:

Ayes: Councilman Scalzo  
Councilman Suess  
Councilwoman Corry  
Mayor Gresk  
Councilman Levine  
Councilman Mouhelis  
Councilman Prendiville

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 1, 2010

Published: February 2, 2010

**EXHIBIT "A"**

**FIRE LANE DESIGNATION AND ENFORCEMENT AGREEMENT**

THIS AGREEMENT is made and entered into this      day of              2008, 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

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

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

**ELECTRICAL SERVICES**

COMMERCIALITY DESIGN  
 LARRY LARSEN  
 (408) 434-5708  
 WHT12A@STECOMM.DC

GAS SERVICE:  
 INCOME GAS  
 CONTRACTOR LANE  
 1814 RUBY ROAD  
 HAYWARD, CA 94543  
 (408) 388-3630

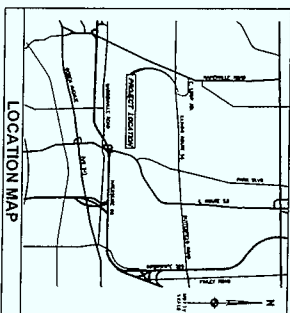
TELEPHONE SERVICE:  
 AT&T  
 SAN FRANCISCO  
 (415) 864-6617  
 971641@ATT.COM

**SANITARY SEWER SERVICE**

STORLA SENIOR SERV  
CITY OF WINDHAM  
TULIN FIDELSON  
303 WEST WISLEY STREET  
WINDHAM, IL 60187  
(630) 260-2846

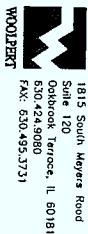
WATER SERVICE:  
CITY OF WINDHAM  
TULIN FIDELSON  
303 WEST WISLEY STREET  
WINDHAM, IL 60187  
(630) 260-2846

Quick-Bill!



APPLICANT/DEVELOPER: CHICK-FIL-A, INC.  
5200 BLUFFINGTON RD.  
ATLANTA, GEORGIA 30349-2998  
CONTACT: SCOTT D. PATMAN  
PHONE: 404-305-4594  
FAX: 404-684-8550

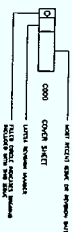
PREPARED BY:





## SHEET INDEX

●	12/25/06	C-0.0.....COVER SHEET
●	12/25/06	C-0.1.....SPECIFICATIONS
●	12/26/06	C-1.0.....EXISTING CONDITIONS PLAN
●	12/26/06	C-2.0.....SITE PLAN
●	12/26/06	C-3.0.....GRADING PLAN
●	12/26/06	C-4.0.....UTILITY PLAN

### DRAWING INDEX LEGEND



		5502 Burlington Rd. Chicago, IL 60638 303-9-2888	
Revisions:			
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 1815 South Meyers Road Suite 120 Oakbrook Terrace, IL 60181 630.424.9080 FAX: 630.495.3731		STORE #2334 WHA10N ICE SPOC 301 EAST LOOP ROAD WHA10N, ILLINOIS 60089	
SHEET TITLE <b>COVER SHEET</b> DATE EDITED: 07.1 JOB NO.: D00072 STORE: ELCB DATE: DEC. 06 DRAWN BY: EXH CHECKED BY: JHM SHEET:			
C-0.0			



## EROSION CONTROL NOTES

- [illegible]

## GRADING NOTES

- [illegible]

## UTILITY NOTES

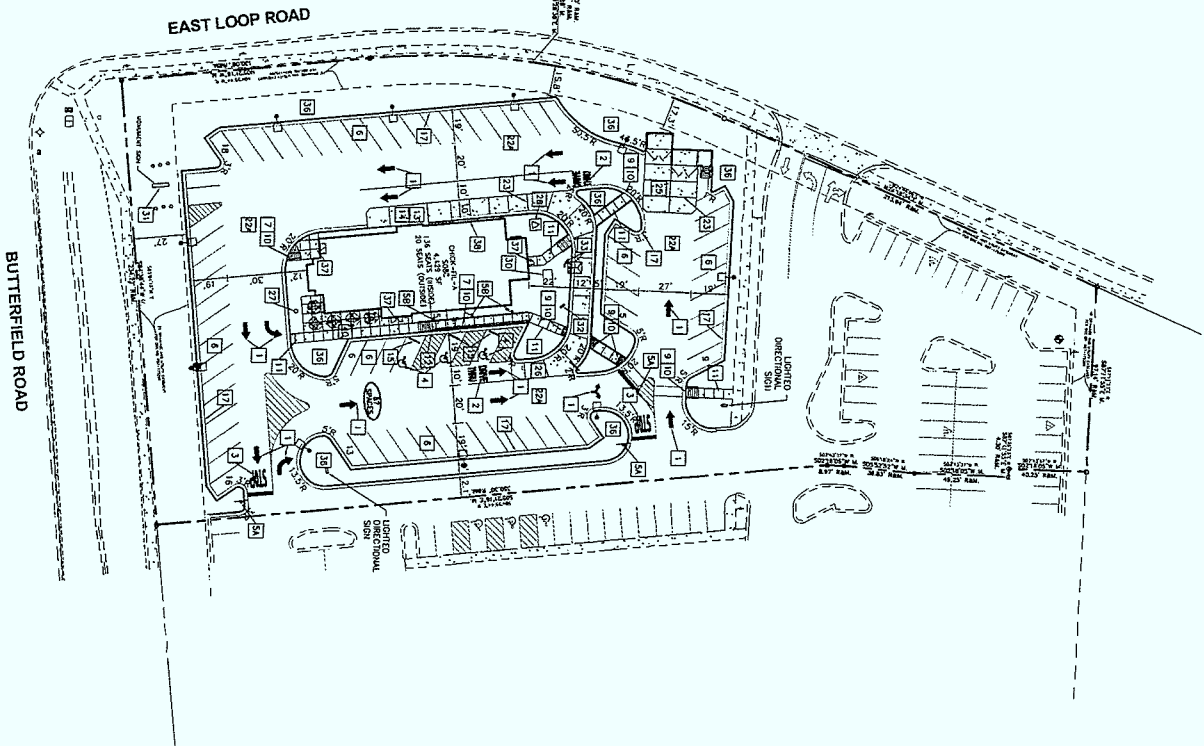
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### UTILITY NOTES (cont'd.)

- [illegible]







### SITE PLAN LEGEND

## SITE NOTES

1. ALL DUELSIONS, RAILS AND COMPONENTS ARE TO FACE ON CURB WHERE APPLICABLE.
2. ALL AVERAGE MARKING SHALL BE YELLOW IN COLOR UNLESS INDICATED OTHERWISE.
3. ALL CURB & GUTTER ON-ITE SHALL BE "TYPICAL" UNLESS OTHERWISE NOTED.
4. ALL CURB AND GUTTER ON-ITE SHALL BE 66-18 UNLESS OTHERWISE NOTED.
5. ALL CONSTRUCTION WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF "MANUAL OF TRANSPORTATION AND STREET LIGHTING" FOR ROAD AND BRIDGE CONSTRUCTION. LATEST EDITION AND LOCAL MUNICIPAL CODES.

## SITE DATA

SITE AREA: 2.199 ACRES (95,768 S.F.)  
 CURRENT ZONING: C-5  
 BUILDING COVERAGE: 1.429 S.F. (1.62%)  
 RESTAURANT: 1.429 S.F. (1.62%)  
 FLOOR AREA RATIO = 0.05  
 IMPERVIOUS COVERAGE: 69,280 S.F. (72.3%)  
 PERVIOUS COVERAGE: 26,571 S.F. (27.7%)  
 PARKING DATA:  
 64 REGULAR SIZE SPACES PROVIDED (9'x18')  
 57 TOTAL PARKING SPACES PROVIDED  
 56 PARKING SPACES REQUIRED (15/1000 S.F. GRAY)

# SITE PLAN DESIGN NOTES & KEY PLAN

- 1 DIRECTIONAL ARROW
- 2 DRIVE-THRU GRAPHICS
- 3 STOP LINE GRAPHIC
- 4 PAINTED ACCESSIBLE PARKING SYMBOL
- 5 DIRECTIONAL SIGNAGE

ALL SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION.

- |    |   |
|----|---|
| 38 | ACCESSIBLE SIGN   |
| 39 | "CIRCLE BUILDING FOR ENTRANCE TO DRIVE THRU" - NOT USED |
| 50 | "RIGHT TURN ONLY" SIGN - NOT USED                       |
| 51 | "ONE WAY" SIGN (USE APPLICABLE DIRECTION) - NOT USED    |

- |   |     |  |
|---|-----|--|
| 9 | SF  | "LEFT TURN ONLY" SIGN - NOT USED           |
| 8 | 60  | "CAUTION - WATCH FOR PEDESTRIANS" SIGN -   |
| 7 | 941 | "DO NOT ENTER" SIGN - NOT USED             |
| 6 |     | STANDARD PARKING STALL (9'x20') PER CODE   |
| 5 |     | SHOVMARK ACCESSIBLE RAMP                   |
| 4 |     | ACCESSIBLE RAMP w/ FLARED SIDES - NOT USED |
| 3 |     | RETURNED CURB ACCESSIBLE RAMP              |
| 2 |     |  |
| 1 |     |  |

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| 10 | INDICATOR DOORS                             |
| 11 | TYPICAL CONCRETE SODMAK                     |
| 12 | SIDEWALK w/ CURB & GUTTER                   |
| 13 | DRIVE THRU PLANT                            |
| 14 | DRIVE-THRU ISOLETHIC                        |
| 15 | YELLOW COMPOSITE WHEEL STOP                 |
| 16 | LANDSCAPE & IRRIGATION PROTECTOR - NOT USED |
| 17 | 24" CONCRETE CURB & GUTTER                  |
| 18 | PAVING SECTION                              |

- |    |   |
|----|---|
| 18 | ROLLOVER/ADJUSTABLE CURB - NOT USED         |
| 19 | REFUSE ENCLOSURE FOUNDATION - NOT USED      |
| 20 | REFUSE ENCLOSURE FOUNDATION (A1) - NOT USED |
| 21 | REFUSE ENCLOSURE A.T. DAMAGE - (REVERSED)   |
| 22 | BOLARO                                      |
| 23 | TYPICAL PAVEMENT SECTION                    |

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| 226 | REGULAR DUTY PAVEMENT                             |
| 228 | HEAVY DUTY PAVEMENT - NOT USED                    |
| 229 | BITUMINOUS DRAINAGE - NOT USED                    |
| 230 | TRANSVERSE & LONGITUDINAL CONTRACTION JOINT       |
| 231 | TRANSVERSE & LONGITUDINAL CORRELATED CONST. JOINT |
| 232 | CONCRETE ASPHALT                                  |
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| 300 | CONCRETE ASPHALT                                  |

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| 26 | TRANSFORMER   |
| 25 | ECC SERIES 20 FOOT FLAG POLE PACKAGE, BY APPROVED VENDORS. THE FLAG COMPANY OR ADLIS, FLAG. |
| 24 | ROOT DOWNSPOUT (TO CONNECT TO SITE DRAINAGE)  |
| 23 | GREASE TRAP   |
| 22 | CHOK-FIL-A PRIME SIGN   |
| 21 | PRE-SETTLE MUDHOLDING   |
| 20 | METAL BOARD & CANYON ORDERING STATION   |

- |    |  |
|----|--|
| 34 | CHICK-FLY-A TENTER SIGN - NOT USED   |
| 35 | CHICK-FLY-A TEXIT SIGN - NOT USED  |
| 36 | LANDSCAPED AREA  |
| 37 | 5-1/2" LANDING   |
| 38 | * THICK CONCRETE STRIP BETWEEN BUILDING AND BACK OF CURB   |
| 39 | INSTALL HANDRAIL TO ALIGN WITH CORNER OF BUILDING AT ENTRY VESTIBULE WHEN DOWN-STAIRS LANE IS UNOCCUPYED ADJACENT TO STAIRWELL |

- |    |                           |
|----|---------------------------|
| 42 | CONTRACTION JOINT         |
| 43 | KERFED CONSTRUCTION JOINT |
| 44 | LOUISIANA BUTT JOINT      |
| 45 | EXPANSION JOINT           |
- FOR USE WITH CONCRETE PAVED PARKING LOTS
- |    |  |
|----|--|
| 41 | LOCATION FOR FIVE OUTDOOR TABLES       |
| 40 | DRIVE-THRU TRASH RECEPTACLE - NOT USED |

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GRAPHIC SCALE IN FEET



5200 Bullfinch Rd.  
Albany Georgia,  
30349-2998

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**VULP.**

COE SDBC



60189 SHEET TWO

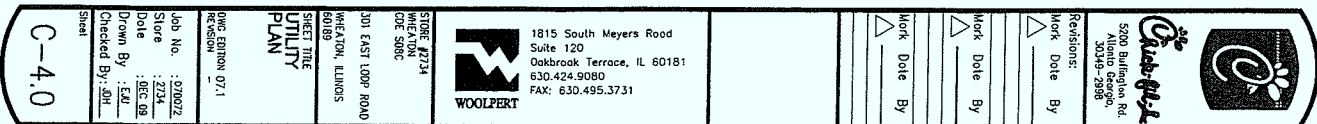
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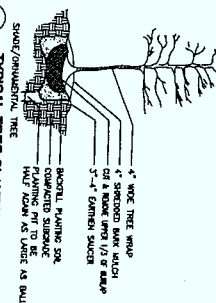
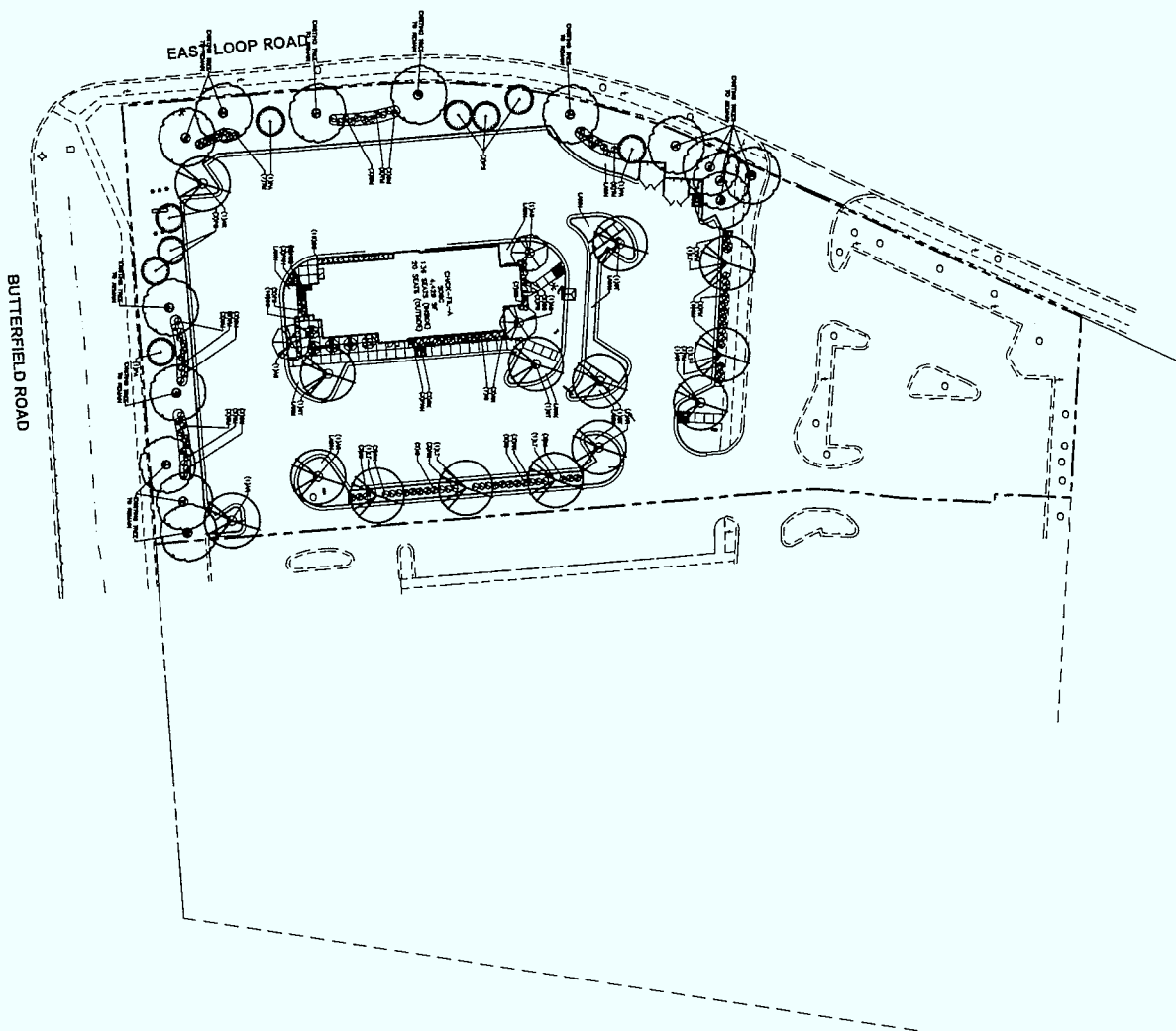
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Mark Date By <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		Mark Date By <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
1815 South Meyers Road Suite 120 Oakbrook Terrace, IL 60181 630.424.9080 FAX: 630.495.3731			
STORE #2734 WHEATON 008 505C		301 EAST LOOP ROAD WHEATON, ILLINOIS 60189	
SHEET TITLE GRADING PLAN		DWG. EDITION 07.1 REVISION -	
Job No. : 070072 Store : 2734 Date : DEC 09 Drawn By : ELO Checked By: JKH		Sheet	







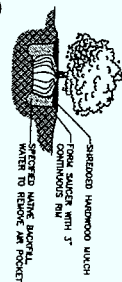
① TIME OF THE VISIT NOT TO SCALE

- ① SOLE OF FN VIEWS W/ SIZE OF ROOT BALL
- ② ROOTBALL TO BE PLACED ON A RASPED PLINTH OR TAPPED BACKFILL
- ③ SPREAD FERTILIZER EVENLY IN SAUCER
- ④ RETAIN ALL LEADERS.



### OFFICIAL CONTAINER PLANTING DETAIL

- ① SIZE OF PIT VARIES W/ SIZE OF ROOT BALL. NOT TO SCALE



### TYPICAL BALLED PLANTING DETAIL

- ① SIZE OF PRT VARIES W/SIZE OF ROOT BUD  
② CUT AND REMOVE UPPER 1/3 OF BURLAP

[illegible]

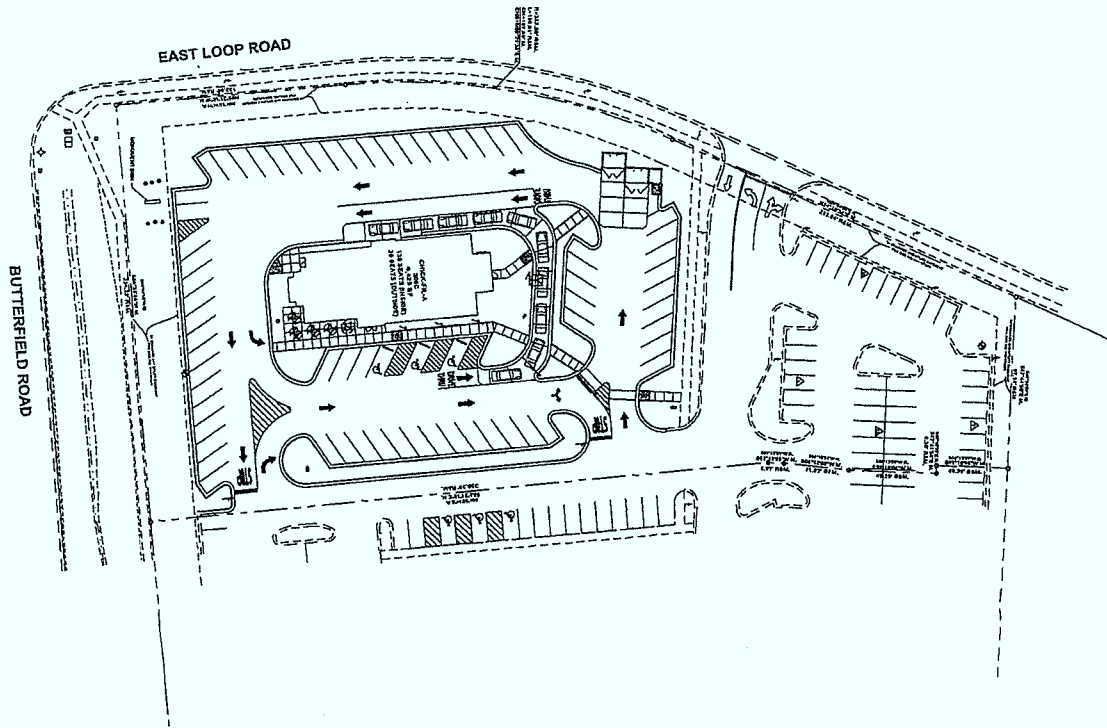
## LANDSCAPE NOTES

- [illegible]


ALL RAIL AND CUT STUMPS &  
INSTANTLY AFTER CUTTING

- (1) FOLLOWING ONCE MONITORING, SAMPLES WERE TAKEN TO BE  
(a) 1/2 TALL REEDS (BENT & SLIPS)  
(b) 12-15-16 FLOUNDER (SEE PHOTOGRAPHS)  
(c) 2 BALS OF STING  
ON 11 OR STRIPS 160'S USED  
PKN 1000 SQUARE YET
- (2) 1/2 TALL REEDS  
1/2 TALL REEDS  
20-10-16 FLOUNDER  
2 BALS OF STING  
PKN 1000 SQUARE YET

[illegible]



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 DRAWING SCALE IN FEET

	1815 South Meyers Road Suite 120 Oakbrook Terrace, IL 60181 630.424.8080 FAX: 630.495.3731	
	WOOLPERT	
SHEET TITLE VEHICLE STACKING	STONE #2714 WHISTON CODE 588C 301 EAST LOOP ROAD WHISTON, ILLINOIS 60189	DWG EDITION 07.1 REVISION JOB NO. : 070072 SNOB : 2714 DATE : DEC 09 DRAWN BY : SAM CHECKED BY : JWH
EXH	Mark Date By Mark Date By Mark Date By	Revision: Mark Date By Mark Date By Mark Date By



**Acknowledgments**

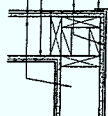


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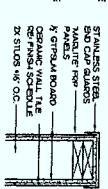


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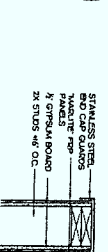
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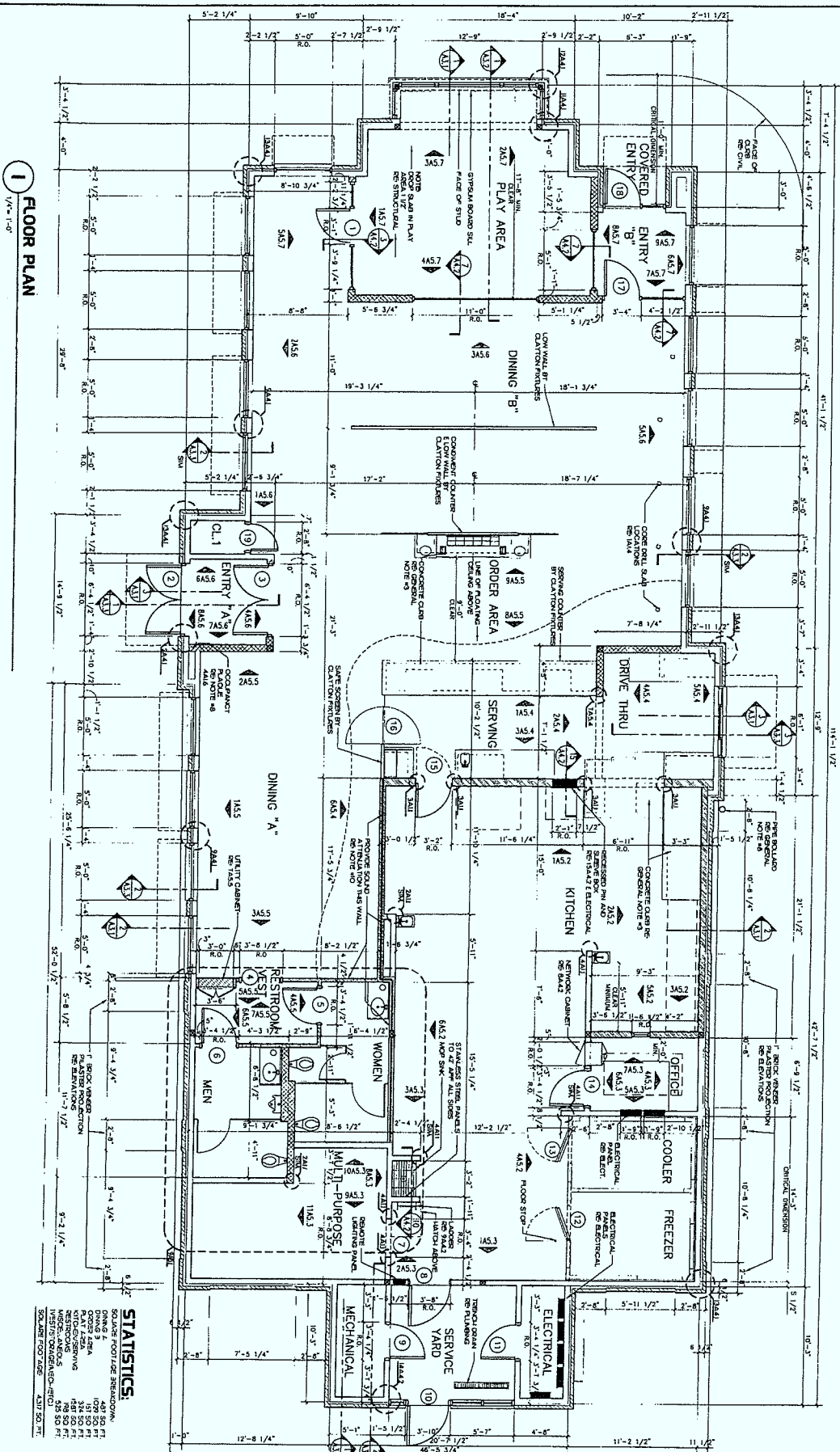
2 CORNER GUARD 1 1/2" x 1'-0"



3 END CAP WITH TILE



**4** **END CAP**



## STATISTICS:

DINING A	483 SQ. FT.
DINING B	1029 SQ. FT.
ORDER AREA	151 SQ. FT.
PLAT AREA	324 SQ. FT.
KITCHEN/SERVING	1281 SQ. FT.
RESTROOMS	98 SQ. FT.
MISC./AUXILIARY	525 SQ. FT.
VESTIBULE/RECEPTION	
SOLAR FOOTAGE	4317 SQ. FT.

ISSUE DATE: 7-2009

Job No.	2234
Store	12.3.09
Date	
Drown By	
Checked By	

ILLINOIS DESIGN FIRM #184-002363

**e+h**  
ARCHITECTS

**E + H ARCHITECTS, P.C.**  
THE AGES BARN AT  
MARTLAND FARM  
210 WARD CIRCLE, SUITE 1  
BRENTWOOD, TENNESSEE  
37187-5185  
PHONE: 615/377-0461  
FAX: 615/377-0478  
EMAIL: [eh@eharchitects.com](mailto:eh@eharchitects.com)



December 5, 2009

Mark	Date	By
△		
Mark	Date	By
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Mark	Date	By
△		

Atlanta Georgia,  
30349-2998

5200 Ruffalo Dr.

Urb-07-1

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Steel

