

## ORDINANCE NO. F- 1598

### **AN ORDINANCE AMENDING ORDINANCES E-3143, F-1282, AND F-1579, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHWEST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS – CENTENNIAL PROPERTIES, LTD/ DANADA FARMS WEST C-3 GENERAL BUSINESS DISTRICT"**

WHEREAS, on September 2, 1986, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3143, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHWEST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS – CENTENNIAL PROPERTIES, LTD/ DANADA FARMS WEST C-3 GENERAL BUSINESS DISTRICT" ("Original Ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of commercial improvements on the property legally described herein within the City limits of Wheaton, Illinois, consisting of approximately 30 acres and commonly located at the northwest corner of Naperville and Butterfield Roads; and

WHEREAS, on May 21, 2007, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1282, "AN ORDINANCE AMENDING ORDINANCE NO. E-3143 - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHWEST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS – CENTENNIAL PROPERTIES, LTD/ DANADA FARMS WEST C-3 GENERAL BUSINESS DISTRICT" ("Amended Ordinance"), which amended the plans referred to in Ordinance NO. E-3143 to accommodate a drive-through ATM kiosk in the shopping center parking lot; and

WHEREAS, on August 1, 2011, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1579, "AN ORDINANCE AMENDING ORDINANCES E-3143 and F-1282, AN ORDINANCE AMENDING ORDINANCE NO. E-3143 - AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHWEST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS – CENTENNIAL PROPERTIES, LTD/ DANADA FARMS WEST C-3 GENERAL BUSINESS DISTRICT" ("Last Amended Ordinance"), which amended the signage and landscaping plans contained in the Original Ordinance to relocate signage, remove existing landscaping and install new landscaping along Naperville Road and at the intersection of Naperville and Butterfield Roads all as a result of the Illinois Department of Transportation's taking of property along the Naperville Road right-of-way to facilitate the reconstruction of the Naperville and Butterfield Roads intersection; and

WHEREAS, following the enactment of the Original Ordinance, Amended Ordinance, and Last Amended Ordinance, an application has been made to further amend the signage and landscaping plans contained in the Original Ordinance, Amended Ordinance, and Last Amended Ordinance to replace an existing sign along Butterfield Road with a sign that will match the architectural style of the signs previously approved in the Last Amended Ordinance; 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, Amended Ordinance, and Last Amended Ordinance is hereby granted to replace an existing sign along Butterfield Road with a sign that will match the architectural style of the signs previously approved in the Last Amended Ordinance in substantial compliance with the plans entitled "*Customer Proof - Danada Square West*", prepared by *The Sign Authority, Wheaton, IL, dated April 6, 2011*.

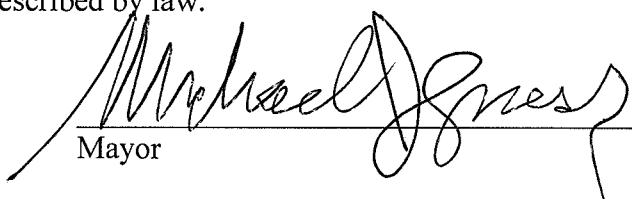
Section 2: In all other respects, the terms and provisions of the Original Ordinance, Amended Ordinance, and Last Amended Ordinance are ratified and remain in full force and effect.

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.

ATTEST:

  
Shawn Bennett-Hayes  
City Clerk

  
Michael Gresk  
Mayor

Roll Call Vote

Ayes:

Councilman Rutledge  
Mayor Gresk  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo  
Councilman Suess  
Councilwoman Ives  
Councilman Mouhelis

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: November 7, 2011

Published: November 8, 2011

EXHIBIT "A"

Legal description:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 28, AND THE NORTHWEST QUARTER OF SECTION 33, ALL IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 33, THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 33, 117.36 FEET TO THE NORTH LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131) AS DEDICATED BY DOCUMENT NO. 396982; THENCE NORTH 89 DEGREES 48 FEET 49 INCHES EAST ALONG THE NORTH LINE OF SAID BUTTERFIELD ROAD, 663.78 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTH LINE OF SAID BUTTERFIELD ROAD, NORTH 89 DEGREES 48 FEET 49 INCHES EAST, 942.16 FEET TO THE WESTERLY LINE OF NAPERVILLE ROAD (S.A. ROUTE 4) AS DEDICATED BY DOCUMENT NO. R83-17365; THENCE NORTH 24 DEGREES 44 FEET SIX INCHES EAST ALONG THE WESTERLY LINE OF SAID NAPERVILLE ROAD, 1010.00 FEET; THENCE NORTH 65 DEGREES 15 FEET 54 INCHES WEST, 560.00 FEET; THENCE SOUTH 89 DEGREES 48 FEET 49 INCHES WEST, 695.00 FEET, THENCE SOUTH 43 DEGREES 55 FEET 27 INCHES WEST, 237.04 FEET; THENCE SOUTH 0 DEGREES 11 FEET 11 INCHES EAST, 981.84 FEET TO THE POINT OF BEGINNING.

PIN # 05-28-300-027, 028

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