

ORDINANCE NO. F-1622

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3422,
“AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR A SHOPPING CENTER AND MOVIE THEATRE-
DANADA FARMS EAST/RICE LAKE (WHEATON 7 JOINT VENTURE)”
('ORIGINAL ORDINANCE') AND ORDINANCE NOS. E-3433, E-3607, E-3636, E-3641, E-
4141, F-0061, F-1170, F-1296, F-1371, F-1540, and F-1590 WHICH AMENDED ORIGINAL
ORDINANCE
RICE LAKE SQUARE SHOPPING CENTER

WHEREAS, The City of Wheaton, Illinois, (“City”), has previously enacted City Ordinance Nos. E-3422 (“ORIGINAL ORDINANCE”) recorded on March 10, 1989 as Document No. R-89-027311 in the Office of the DuPage County Recorder; Ordinance No. E-3433 recorded on March 10, 1989 as Document No. R89-027310 in the office of the DuPage County Recorder; Ordinance Nos. E-3607, E-3636, and E-3641 recorded on July 10, 1991 as Document No. R91-086754 in the Office of the DuPage County Recorder; Ordinance No. E-4141 recorded on December 11, 1995 as Document No. R95-174498 in the Office of the DuPage County Recorder; Ordinance No. F-0061 recorded on September 19, 1996 as Document No. R96-154185, in the Office of the DuPage County Recorder; Ordinance No. F-1170 recorded on July 17, 2007 as Document No. R2006-135457 in the Office of the DuPage County Recorder; Ordinance No. F-1296 recorded on August 28, 2007 as Document No. R2007-159373 in the Office of the DuPage County Recorder; Ordinance No. F-1371 recorded on September 25, 2008 as Document No. R2008-144956 in the Office of the DuPage County Recorder; Ordinance No. F-1540 recorded on March 7, 2011 as Document No. R2011-32361 in the Office of the DuPage County Recorder, and Ordinance No. F-1590 recorded on November 10, 2011 as Document No. R2011-136542 in the Office of the DuPage County Recorder (“AMENDED ORDINANCES) which granted a special use permit for a planned unit development to allow the construction and use of a shopping center, movie theatre, and outlet buildings on the subject property described in the Original Ordinance; and

WHEREAS, application has now been made to amend the special use permit for a planned unit development approved in the ORIGINAL ORDINANCE and AMENDED ORDINANCES in order to renovate and expand the former Linens & Things retail building to a movie theater / restaurant concept; 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: The following described property (“subject property” has been, and continues to be, zoned and classified in the C-5 Planned Unit Development District:

LOT 1 IN RICE LAKE SQUARE AT DANADA, A RESUBDIVISION OF LOTS 8, 9 AND 10 IN DANADA FARMS EAST UNIT 1, BEING A SUBDIVISION OF PART OF PIECE 28 IN THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT HEREOF

RECORDED APRIL 28, 1989, AS DOCUMENT NO. R89-49468 IN DUPAGE COUNTY,
ILLINOIS. PIN 05-28-402-009

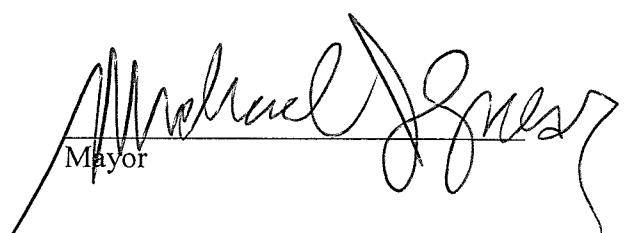
Section 2: An amendment to the ORIGINAL ORDINANCE and AMENDED ORDINANCES is granted in order to allow the renovation and expansion of the former Linens & Things retail building to a movie theater / restaurant concept in substantial compliance with the plans entitled "Studio Movie Grill – Wheaton Exterior Elevations" prepared by Michael Voegtle, Architect, Drawing No. A7.00a dated January 11, 2012 and a drawing entitled "Grading and Utility Plan Studio Movie Grill at Rice Lake Square Wheaton, Illinois" prepared by Spaceco, Inc. dated November 18, 2011 and bearing a last revision date of January 6, 2012, copies of which are attached hereto and incorporated herein as if fully set forth as Exhibit A and in further compliance with the following conditions, restrictions, and requirements:

1. Prior to the issuance of a site development permit, a landscape plan shall be submitted indicating the installation of suitable foundations plantings in the area of the proposed addition. Said landscape plan shall be subject to the reasonable approval of the City Manager or his designee.

Section 3: In all other respects, the terms and conditions of the ORIGINAL ORDINANCE 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.



Michael Gresk
Mayor

ATTEST



Sean Barnett-Hagan
City Clerk

Roll Call Vote:

Ayes:	Councilman Mouhelis Councilman Rutledge Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess Councilwoman Ives
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Nays: None

Absent: None

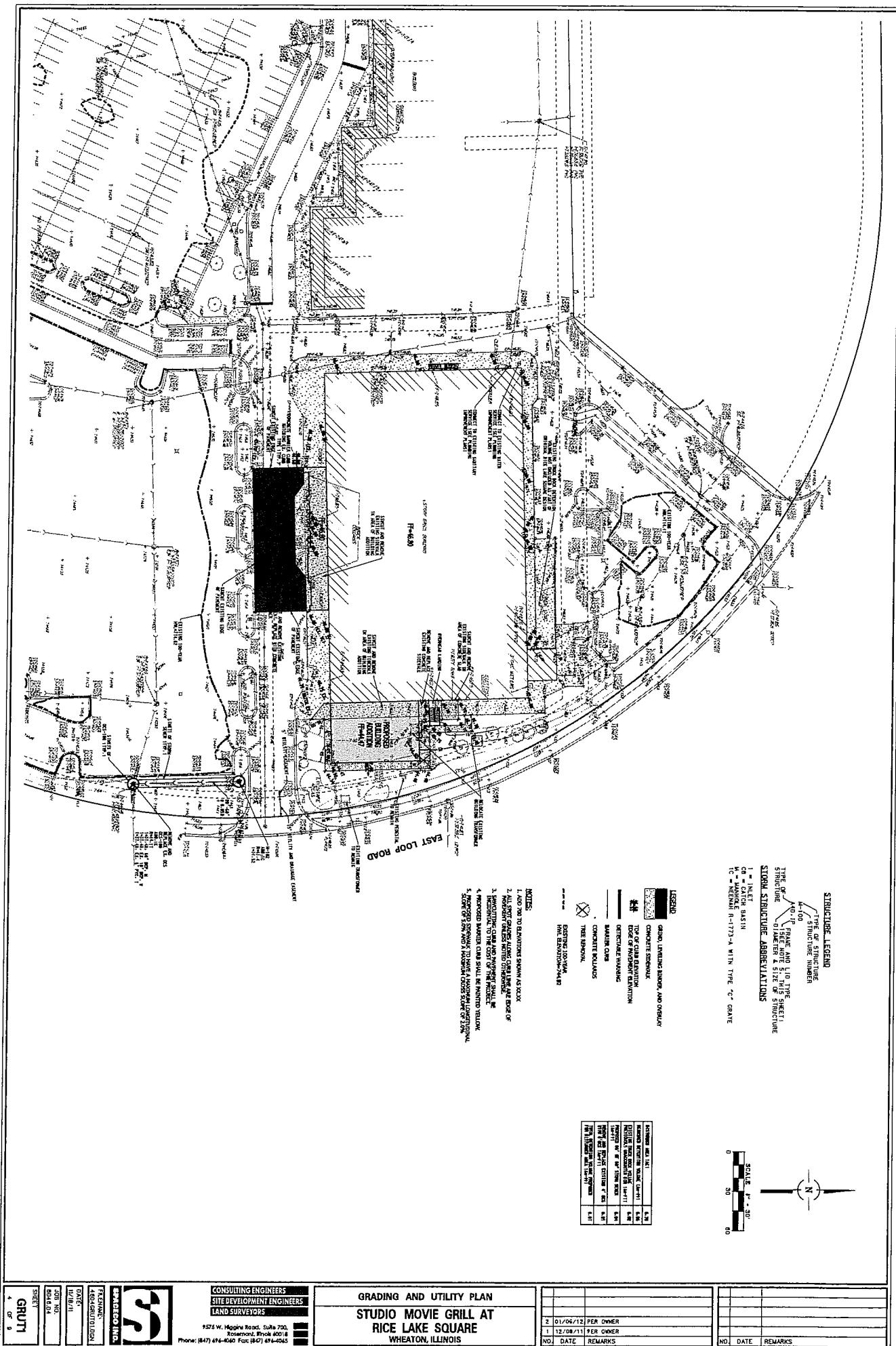
Motion Carried Unanimously

Passed: January 17, 2012

Published: January 18, 2012

EXHIBIT "A"





**CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS**
9575 W. Higgins Road, Suite 700,
Rosemont, Illinois 60018

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEER

LAND SURVEYORS

GRADING AND UTILITY PLAN
**STUDIO MOVIE GRILL AT
RICE LAKE SQUARE**

NO	DATE	REMARKS	NO	DATE	REMARKS
2	01/06/12	PER DINER			
1	12/08/11	PER ORDER			