

ORDINANCE NO. F-1678

**AN ORDINANCE REINSTATING ORDINANCE NO. F-1229, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT-1101 E. ROOSEVELT ROAD/MALLON"**

**WHEREAS**, on November 20, 2006 the Mayor and City Council approved Ordinance No. F-1229 (Original Ordinance) which granted a Zoning Map Amendment by granting a Special Use Permit for a Planned Unit Development to allow the demolition of an existing commercial building and construction of a 4,100 square foot bank with drive-thru, 3,380 square foot retail building and 34 space parking lot, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 1101 E. Roosevelt Road; ("Subject Property"); and

**WHEREAS**, the Subject Property was developed in accordance with Ordinance No. F-1229; and

**WHEREAS**, on or about January 1, 2011, the bank with drive-thru on the Subject Property ceased its operation; and

**WHEREAS**, Article 4.3 of the Zoning Ordinance states that "*If a special use is abandoned for a period of more than eighteen (18) months, the special use shall become void.*"; and

**WHEREAS**, a new bank with drive-thru is not altering the use of the site in any manner, nor would the reinstatement of the Special Use have any different impacts on surrounding uses than existed with the original Special Use and the new bank with drive-thru seeks to operate on the Subject Property full accordance with all requirements and conditions of Ordinance No. F-1229.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, Du Page County, Illinois, that Ordinance No. F-1229 is hereby reinstated.

**Section 1:** The property that is subject of the reinstatement is legally described as:

PARCEL 1:

PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

THE WEST 55 FEET OF THE EAST 275 FEET; THE WEST 55 FEET OF THE EAST 330 FEET AND THE WEST 55 FEET OF THE EAST 440 FEET; ALL IN THAT PART OF THE SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR, A SUBDIVISION OF PART OF SAID SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 LYING WEST OF AND ADJOINING THE EAST LINE OF SAID BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION; ALSO THE WEST 55 FEET OF THE EAST 385 FEET OF THE SOUTH 170 FEET OF THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING BLOCK 8 IN SAID LOWELL MANOR, ALSO THE WEST 55 FEET OF THE EAST 495 FEET OF THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR SUBDIVISION; LYING WEST OF AND ADJOINING THE EAST LINE OF SAID

BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION, AND ALSO THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SAID SECTION 15 LYING SOUTH OF AND ADJOINING THE SOUTH LINE OF BLOCK 8 IN LOWELL MANOR SUBDIVISION; LYING EAST OF THE EAST LINE OF PRESIDENT STREET AND LYING WEST OF A LINE DRAWN PARALLEL WITH AND 495 FEET WEST OF THE EAST LINE OF SAID BLOCK 8 EXTENDED SOUTH TO THE SOUTH LINE OF SAID SECTION 15; EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT OF LAND, TO WIT:

BEGINNING AT A POINT WHICH IS 33 FEET EAST OF THE WEST LINE OF SAID SECTION 15 AND IS 158 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 15; THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SECTION 15 A DISTANCE OF 125 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SECTION 15, A DISTANCE OF 125 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ROOSEVELT ROAD; THENCE WEST ALONG SAID NORTH RIGHT OF WAY LINE OF ROOSEVELT ROAD A DISTANCE OF 125 FEET; THENCE NORTH ALONG A LINE 33 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 125 FEET TO THE POINT OF BEGINNING, AND ALSO EXCEPT THE SOUTH 33 FEET OF EACH OF THE TRACTS DESCRIBED IN THE ABOVE CAPTION THAT HAS BEEN DEDICATED FOR ROOSEVELT ROAD AND ALSO EXCEPT THAT PART TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS IN CASE 88ED-192, ALL IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE WEST 55 FEET OF THE EAST 220 FEET OF THE SOUTH 170 FEET OF THAT PART OF THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF AND ADJOINING BLOCK 8 IN LOWELL MANOR, A SUBDIVISION IN THE SOUTHWEST  $\frac{1}{4}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART TAKEN BY THE DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS IN CASE 88ED-193, IN DUPAGE COUNTY, ILLINOIS.

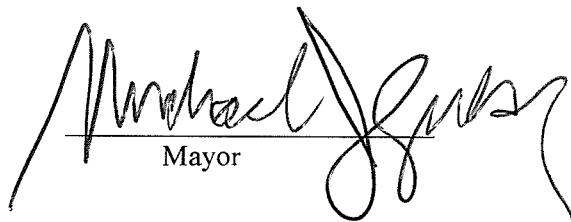
P.I.N. 05-15-324-019, 05-15-324-018

The subject property is commonly known as 1051 and 1071 E. Roosevelt Road, Wheaton, IL 60187.

**Section 2:** All conditions and requirements of Ordinance No. F-1229 shall 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.



Michael J. Gresk  
Mayor

ATTEST:



Anna Bennett  
City Clerk

Roll Call Vote

Ayes:	Councilwoman Ives Mayor Pro-Tem Mouhelis Councilman Rutledge Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess
Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

Passed: November 5, 2012  
Published: November 6, 2012

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