

ORDINANCE NO. F-1707

AN ORDINANCE GRANTING A PLANNED UNIT DEVELOPMENT ("PUD") ALLOWING THE CONSTRUCTION OF A MEDICAL OFFICE BUILDING AT 114 E. WILLOW AVENUE – DUPAGE MEDICAL GROUP

WHEREAS, a written application to demolish an existing commercial building and to grant a PUD to construct a three-story, 40,035 square foot medical office building, with 116 on-site parking spaces, has been filed by Olympia Investments II, LLC, (hereinafter "Owner") for the property commonly known as 114 E. Willow Avenue, Wheaton, Illinois ("Subject Property"); and

WHEREAS, a public hearing was held before the Wheaton Planning and Zoning Board on February 26, 2013; and

WHEREAS, on February 26, 2013 the Wheaton Planning and Zoning Board voted to recommend approval of Zoning Application 13-04, subject to certain conditions and requirements; and

WHEREAS, the Subject Property is located in the C-4-CBD Perimeter Commercial District; and

WHEREAS, the City Council finds that the proposed PUD is consistent with the Ordinances of the City of Wheaton ("City"), will enhance the property tax base of the City, and is in the overall best interests of the public health, safety and welfare; and

WHEREAS, the Wheaton Medical Office Building, Site Plan Alternate 4, dated 03/21/2013 (Site Plan") approved by this Ordinance, for the Subject Property, is based in part on Ordinance E-707 adopted May 20, 1963 vacating Cross Street from Willow Avenue to Illinois Street, which included an agreement (hereinafter "Agreement") and site plan ("Scheme Four") a copy of which is attached hereto and incorporated herein as if fully set forth as Exhibit 1; and

WHEREAS, the Agreement states in pertinent part:

"The owners jointly and severally agree that from and after the vacation of said street they will improve the same in accordance with the drawing designated as Scheme Four attached hereto and made part hereof, at the owners' cost and expense without any cost to the City, and thereafter, the owners shall maintain said improvements. All improvements shall be constructed according to the specifications and satisfaction of the City"; and

WHEREAS, Scheme Four appended to the Agreement states:

"Work in this area to be deferred at this time. Completion to be coordinated with plans for future building"; and

WHEREAS, the future building referenced in Scheme Four is commonly known as 200 East Willow Avenue; and

WHEREAS, subsequent to the adoption of Ordinance E-707 the properties subject to the Agreement were developed by their owners so that the alignment of the vacated Cross Street would be consistent with the alignment of non-vacated Cross Street north of the Subject Property; and

WHEREAS, the alignment between vacated Cross Street and un-vacated Cross Street was improved consistent with Ordinance E-707 and Scheme Four, and has existed in such an improved state for decades; and

WHEREAS, the existing alignment of vacated Cross Street and un-vacated Cross Street has consistently been used for egress and ingress to and from Willow Avenue by the owners of the property encompassing vacated Cross Street and the general public for decades; and

WHEREAS, the Wheaton City Council finds that maintaining the alignment between vacated Cross Street and un-vacated Cross Street is necessary for public safety.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Corporate Authorities of the City of Wheaton, pursuant to its home rule powers as follows:

Section 1: The foregoing recitals are incorporated herein as substantive provisions of this Ordinance.

Section 2: The Subject Property is legally described property as follows and has been and continues to be zoned and classified in the C4-CBD Perimeter Commercial District:

PARCEL1: BLOCK 5 (EXCEPT THE NORTH 157 FEET AND EXCEPT THE WEST 204 FEET THEREOF) OF WARREN L. WHEATON'S ADDITION TO THE TOWN OF WHEATON, A SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1857 AS DOCUMENT 11976, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE NORTH 157 FEET OF BLOCK 5 LYING EAST OF THE EAST LINE OF LOT 4 AND SAID EAST LINE EXTENDED SOUTH OF WARREN L. WHEATON'S ADDITION TO WHEATON, A SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1857 AS DOCUMENT 11976, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: THE EAST 50 FEET OF THE WEST 204 FEET (EXCEPT THE NORTH 157 FEET THEREOF) OF BLOCK 5 OF THE PLAT OF WARREN L. WHEATON'S ADDITION TO THE TOWN OF WHEATON, A SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1857 AS DOCUMENT 11976, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4: THE WEST ½ OF VACATED CROSS STREET, LYING BETWEEN ILLINOIS STREET AND WILLOW AVENUE, LYING EAST OF AND ADJOINING BLOCK 5 OF WARREN L. WHEATON'S ADDITION TO THE TOWN OF WHEATON, A SUBDIVISION IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED

DECEMBER 3, 1857 AS DOCUMENT 11976, IN DUPAGE
COUNTY, ILLINOIS

P.I.N. 05-16-324-008

Section 3: Pursuant to the findings of fact made and determined by the Wheaton Planning and Zoning Board and the home rule powers of the Wheaton City Council, a special use permit for a PUD is hereby granted for the Subject Property to allow the construction of a three-story, 40,035 square foot medical office building with 116 on-site parking spaces in full compliance with the plans entitled: Site Plan Alternate 4", sheet SP4, prepared by SPACECO Inc, Rosemont, IL, dated March 21, 2013; "Preliminary Engineering Plan", sheet P-ENG, prepared by SPACECO Inc, Rosemont, IL, dated January 25, 2013; "Landscape Plan" sheet L-1.0, prepared by Norris Design, Glen Ellyn, IL, dated January 22, 2013; "Elevation and Floor Plans" sheets 1-7, prepared by Proteus Group, Chicago, IL, dated January 23, 2013; and "Signage Plans" sheets 1-4, prepared by Proteus Group, Chicago, IL, dated January 23, 2013. And in further compliance with the following conditions, restrictions and requirements:

- a. The egress/ingress from Willow Avenue including the vacated Cross Street east of the Subject Property shall be improved by the Owner at its sole cost and expense consistent with the attached Site Plan;
- b. The Owner hereby dedicates a permanent easement for a pedestrian walkway, including the rights to design, engineer, excavate, construct, inspect, demolish and maintain the same over, on, and upon the area illustrated on Exhibit 2, "Easement Transfer Area", which is attached hereto and incorporated herein as if fully set forth. Said pedestrian walkway easement, Easement Transfer Area, shall be depicted on the Plat of Subdivision to be approved by the Mayor and City Council. The manner, means, type and timing of the installation of the pedestrian walkway shall be in the sole discretion of the Corporate Authorities of the City. If the City of Wheaton secures ownership, an easement, or control over vacated Cross Street or some portion thereof on some future date from the owners of the properties at 200 East Willow Avenue and 211 East Illinois Street, the Owner shall deed, dedicate or otherwise transfer a fee interest, easement, or ownership interest, as the case may be, equivalent to whatever interest the City secures from the property owners at 200 East Willow Avenue and 211 East Illinois Street. The deed, dedication or other transfer shall occur no less than thirty (30) days from the date that the City secures title, easement or other interest over vacated Cross Street from the property owners at 200 East Willow Avenue and 211 East Illinois Street. The property to be deeded, dedicated or transferred to the City is in addition to the Easement Transfer Area and is illustrated on Exhibit 3, "Future Dedication Property", which is attached hereto and incorporated herein as if fully set forth. Upon transfer of the Future Dedication Property, the Easement Transfer Area and the Future Dedication Property shall be considered a unified merged property interest of the City. The City will have no obligation to compensate the Owner for said Easement Transfer Area and/or Future Dedication Property deed, dedication, or other transfer. The Owner agrees that upon said deed, dedication or transfer, the unified merged property interest may be used by the City in conformance with the discretion of its Corporate Authorities so long as it is not used in a fashion which diminishes the use of the Subject Property, as approved by this Ordinance.
- c. The Landscape Plan shall be revised to be consistent with Site Plan Alternate 4 and shall include parkway trees on Illinois Street and a shrub/ornamental grass hedge on the southern edge of the site, all subject to the approval of the Director of Planning and Economic Development.
- d. The non-gate portions of the proposed trash enclosure shall be constructed of masonry to match the building.

- e. A plat of resubdivision for the Subject Property shall be submitted for review and approval by the Mayor and City Council prior to the issuance of any permit for construction of the improvements shown on the Site Plan.

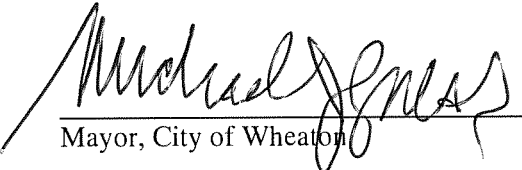
Section 4: By affixing its signature to this Ordinance the Owner acknowledges that it has accepted all of the terms, conditions and covenants of this Ordinance and that such constitute an agreement and covenant that runs with the land. This Ordinance and all exhibits shall be recorded by the Wheaton City Clerk at the Office of the DuPage County Recorder of Deeds at the Owner's expense.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed to the extent of such inconsistency.

Section 6: All conditions of this Ordinance shall be binding on the owner/developer's successors, heirs, contract purchasers or assigns.

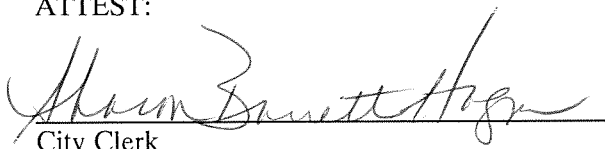
Section 7: This Ordinance shall become an effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Mayor, City of Wheaton


ATTEST:



City Clerk

Date: 4-2-13

Conditions and Covenants accepted



Olympia Investments II, LLC **MARTIN T. BURKE**
AGENT

A G R E E M E N T

THIS AGREEMENT, made and entered into at Wheaton, Illinois, this
11th day of December, 1962, by and between the CITY OF WHEATON, Illinois,
a municipal corporation, herein called the "CITY," and JEWEL TEA CO., INC.,
a New York corporation, GARY-WHEATON BANK, as Trustee under Trust No. 388,
and GARY-WHEATON BANK, as Trustee under Trust No. 406, herein sometimes
called the "OWNERS,"

W I T N E S S E T H:

WHEREAS, said GARY-WHEATON BANK, as Trustee under Trust Nos. 388 and
406, owns all of the property abutting Cross Street, in the City of Wheaton,
on the east from Willow Avenue to Illinois Street, and said JEWEL TEA CO.,
INC. is in possession of the property abutting said street on the west from
Willow Avenue to Illinois Street, pursuant to a certain leasehold estate;
and

WHEREAS, the said Owners desire to have said portion of Cross Street
vacated and have requested the City to vacate said street; and

WHEREAS, after due investigation and consideration the City has deter-
mined that the nature and extent of the public use and public interest to
be subserved are such as to warrant the vacation of the public street here-
inbefore described, and the public interest will be subserved by vacating
said street;

NOW THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO
AS FOLLOWS:

1. The City agrees to vacate said Cross Street, from Willow Avenue
to Illinois Street, as shown on Plat of Vacation attached hereto and made
a part hereof, subject to the reservations and conditions hereinafter set
forth.

2. Such vacation shall not affect or prejudice the rights of the City or any public utility in respect of any rights of way or easements for the maintenance of any public service facilities now lawfully situated on said street so vacated and closed, and such vacation is and shall be subject to the rights of the City at all times to maintain such underground sewers and water mains as may now be located in said street so vacated and closed, which rights are expressly retained by the City.

3. The Owners, upon the vacation of said portion of Cross Street, hereby grant to the City and its assigns a perpetual easement in and to said vacated street and every portion thereof for the construction and maintenance of all future public utilities, including sewer and water mains and facilities, electricity, gas and telephone facilities.

4. The Owners jointly and severally agree that from and after the vacation of said street they will improve same in accordance with the drawing designated as Scheme #4 attached hereto and hereby made a part hereof, at the Owners' cost and expense without any cost to the City, and thereafter, the Owners shall maintain said improvements. All said improvements shall be constructed according to City specifications and to the satisfaction of the City Engineer.

5. The Owners agree further that they will not erect or construct any building or structure of any kind, except paving, drainage, landscaping and lighting improvements, which shall be constructed in such a manner that they will not interfere with the construction or maintenance of said public utilities.

6. In the event the grade of said vacated street shall be lowered below the existing grade and such reduction^{in grade} in grade shall, in the opinion of the City Engineer, require the lowering of the water mains, the Owners shall lower such water mains at their own expense, without any cost to the City. Such work shall be done under the supervision of and subject to approval of the City Engineer.

7. This agreement shall be recorded and shall be binding upon successors in title to said property abutting the portion of Cross Street to be vacated.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF WHEATON, a municipal corporation

By

Mayor

ATTEST:

W. L. ...
City Clerk

(CORPORATE SEAL)

City

JEWEL TEA CO., INC., a corporation

By

Vice President

ATTEST:

L. J. ...
Assistant Secretary

(CORPORATE SEAL)

GARY-WHEATON BANK, as Trustee under Trust No. 388

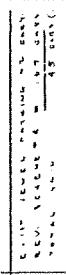
By

VICE - PRESIDENT

GARY-WHEATON BANK, as Trustee under Trust No. 406

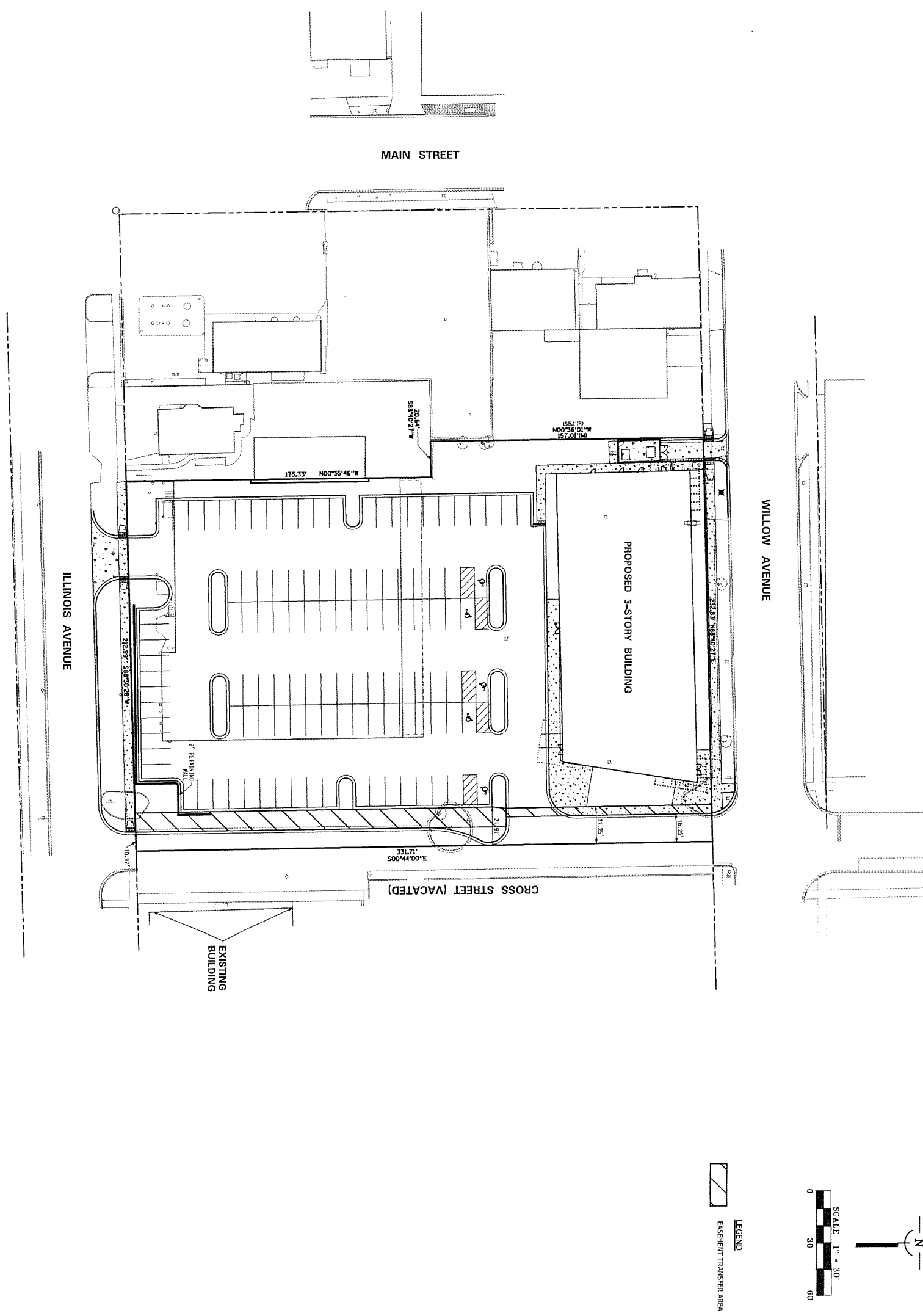
By

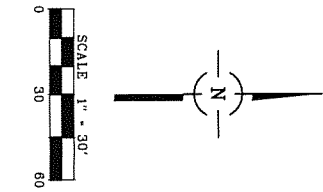
VICE PRESIDENT



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PREPARED BY: J. M. LAYTON
 W/LOW d. C. 1953 W/LOW d. 1953
 SCALE: 1" = 20' 11/12/51
 EMISSION: 1" = 7/12/51
 12/12/51

[illegible]



NO.	DATE	REMARKS

WHEATON MEDICAL OFFICE BUILDING
WHEATON, ILLINOIS

9575 W. Higgins Road, Suite 700,
Rosemont, Illinois 60018
Phone: (847) 696-4060 Fax: (847) 696-4065

JOB NO.
7129

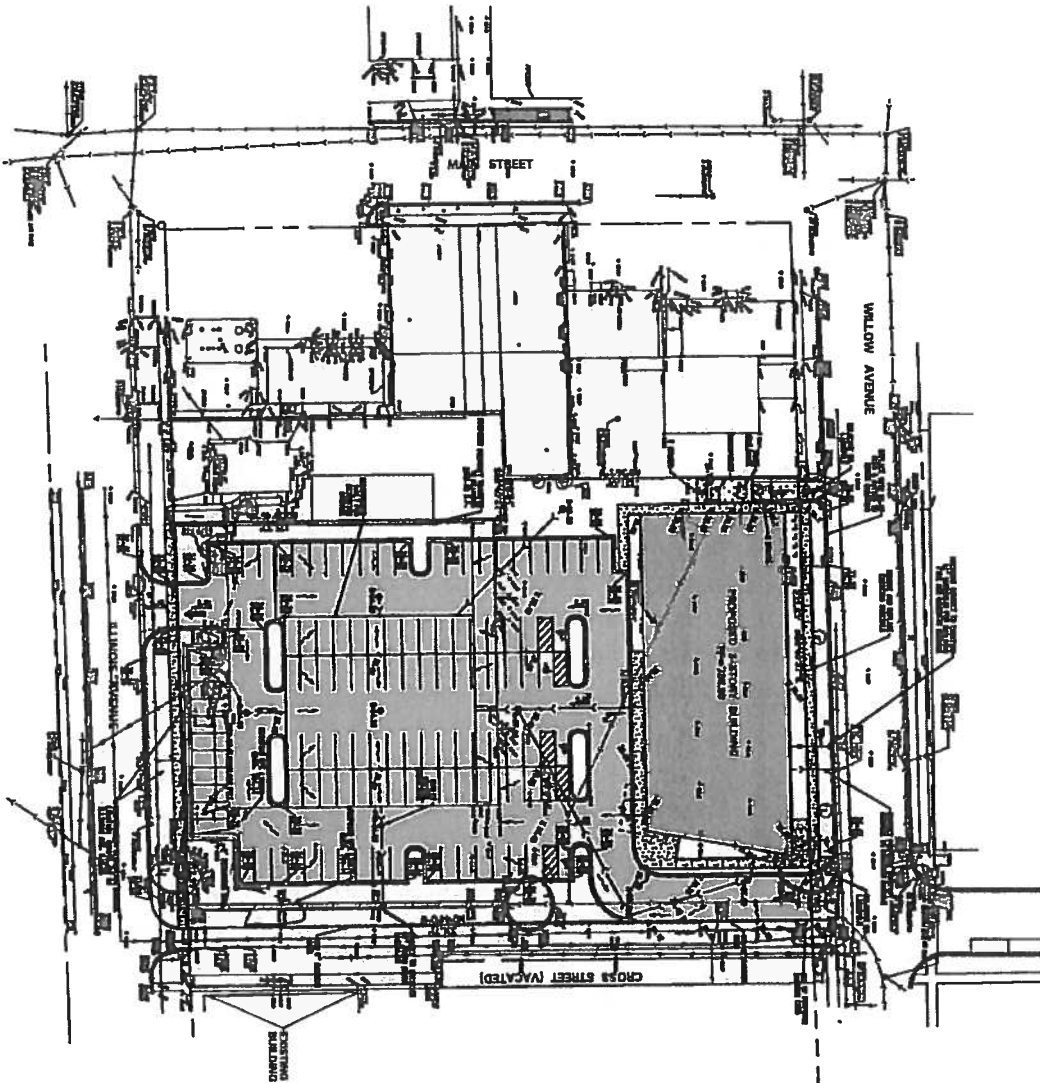
SHEET 1
EX 3
1 OF 1



LOT DATA	
PROPERTY SIZE	12,010 SQ.FT., 11.45 ACRES
BUILDING SIZE	40,025 S.F., 11,100 S.F. PER FLOOR
EXISTING CONCRETE	15.03
PROPOSED CONCRETE	116
TOTAL PROPOSED	131
PAVING REQUIRED (0.122 SPEC Y/L - 0.003 SF) @ 122.1	16
TRAFFIC DISTRICT	CD-400 RESIDENTIAL COMMERCIAL DISTRICT
PROPOSED PROPERTY	2" R.O.W.
PROPOSED IMPROVEMENTS IN DEVELOPMENT	2" R.O.W. + 2133.66 S.F.

- NOTES:**
1. ALL DIMENSIONS ARE MEASURED TO THE BACK OF CURB UNLESS NOTED OTHERWISE.
 2. ALL CURB AND GUTTER TO BE 8'-6"-12". UNLESS OTHERWISE NOTED.
 3. SITE ARCHITECTURAL PLAN BY PROVIDENT GROUP FOR BUILDING DIMENSIONS, INTERIOR LAYOUT, AND FINISH INDICATIVE DETAIL.

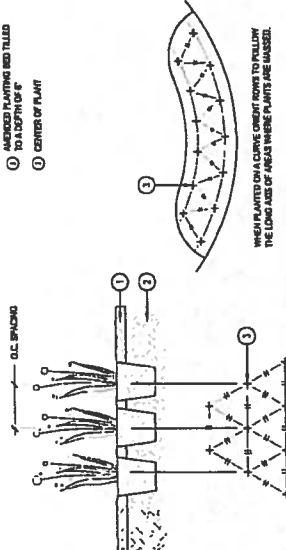
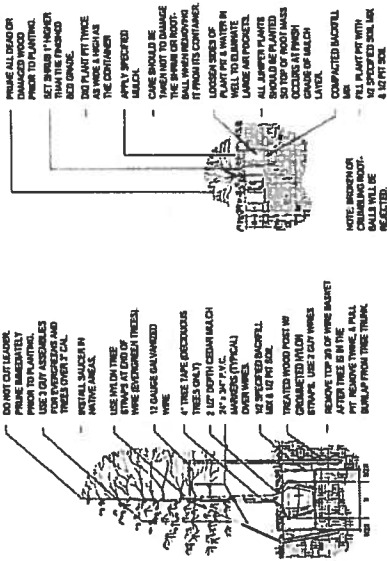
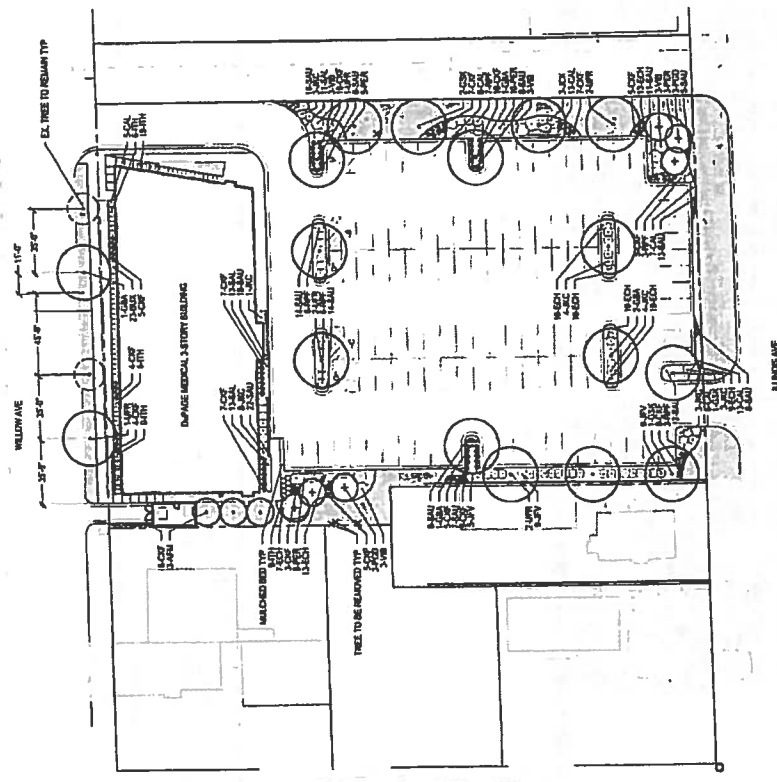
SETPACKS									
TOURNOIR	EXERCICE	SECTION	DATE	PROFESOR	5.10.10	5.10.11	5.10.12	5.10.13	5.10.14
JANUARY 23, 14 - FEBRUARY 1, 15 C-2 AND C-3 OF THE SCHOOL PARKING	RECOGNITION		0'		0'				
	PROPOSITION		98.00'		9.25'		5.12'		
	RECOGNITION		3'		0'		0'		
	PROPOSITION		0'		18.12'		242.47'		



2. **STIMULATED VOLUME** = 23.4×4
 = 93.6 ml
 = 93.6 ml $\times 1.03$ (density of water)
 = 96.456 ml
 = 96.456 ml $\times 1.04$ (density of water)
 = 100.314 ml
 = 100.314 ml $\times 1.05$ (density of water)
 = 105.3297 ml
 = 105.3297 ml $\times 1.06$ (density of water)
 = 111.649472 ml
 = 111.649472 ml $\times 1.07$ (density of water)
 = 119.464935 ml
 = 119.464935 ml $\times 1.08$ (density of water)
 = 128.82213 ml
 = 128.82213 ml $\times 1.09$ (density of water)
 = 139.416121 ml
 = 139.416121 ml $\times 1.10$ (density of water)
 = 151.357733 ml
 = 151.357733 ml $\times 1.11$ (density of water)
 = 164.507084 ml
 = 164.507084 ml $\times 1.12$ (density of water)
 = 178.847832 ml
 = 178.847832 ml $\times 1.13$ (density of water)
 = 194.393039 ml
 = 194.393039 ml $\times 1.14$ (density of water)
 = 211.208063 ml
 = 211.208063 ml $\times 1.15$ (density of water)
 = 229.387272 ml
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 = 248.895815 ml
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 = 4092.209981 ml $\times 1.63$ (density of water)
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 = 4267.044073 ml $\times 1.64$ (density of water)
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 = 4446.991287 ml $\times 1.65$ (density of water)
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 = 5426.098897 ml
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 = 5638.295073 ml $\times 1.71$ (density of water)
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 = 7544.700963 ml $\times 1.79$ (density of water)
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 = 7810.382677 ml $\times 1.80$ (density of water)
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 = 80

[illegible]

Planting Details

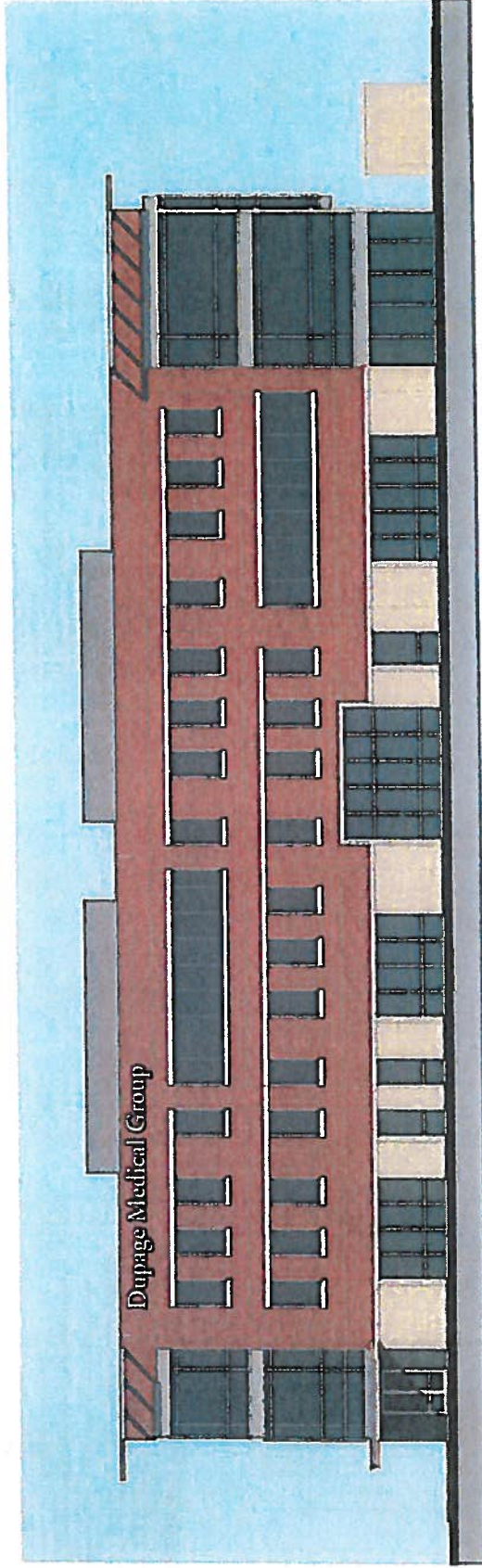


WHEN PLANTED ON A CURVE ORIENT ROWS TO FOLLOW THE LONG AXIS OF AREAS WHERE PLANTS ARE MOST SO.

[illegible]

Landscape and Planting Notes

- [illegible]



1 NORTH ELEVATION

1/16" = 1'-0"

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

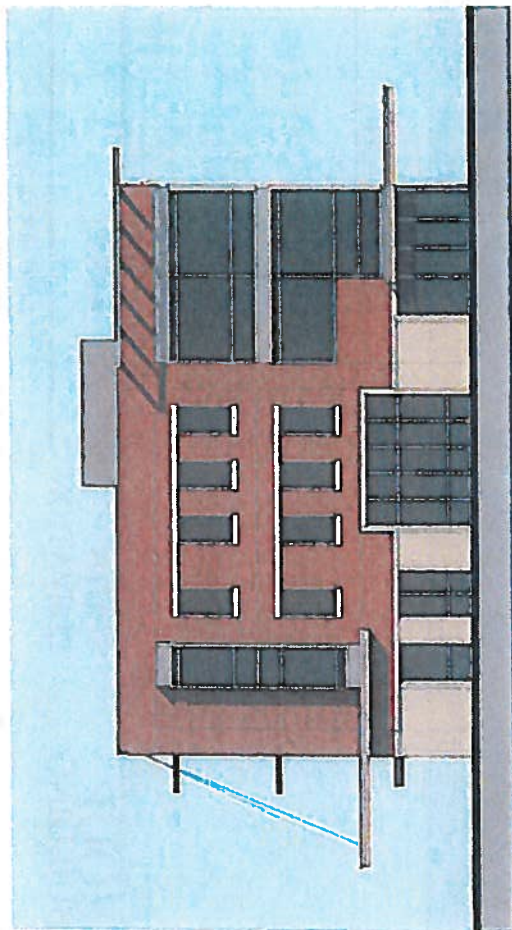
NORTH
ELEVATION

ASK04

JANUARY 23, 2013



7



1 EAST ELEVATION
1/16" = 1'-0"

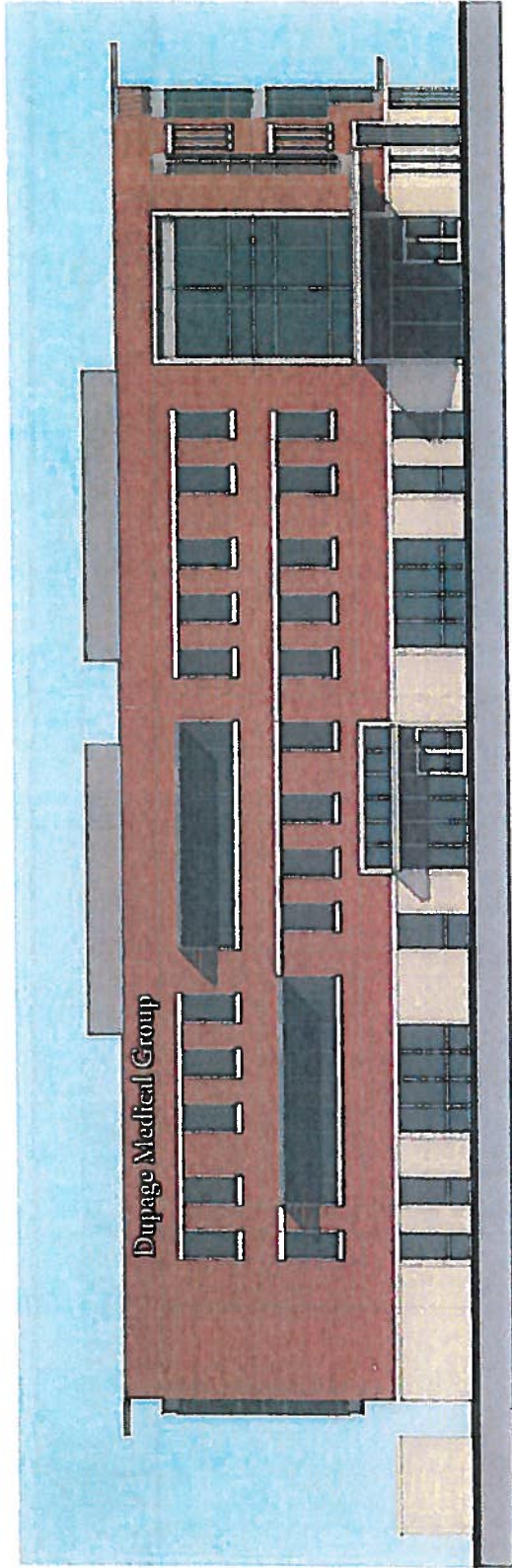
DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

EAST
ELEVATION

ASK05

JANUARY 23, 2013





1 SOUTH ELEVATION

1/16" = 1'-0"

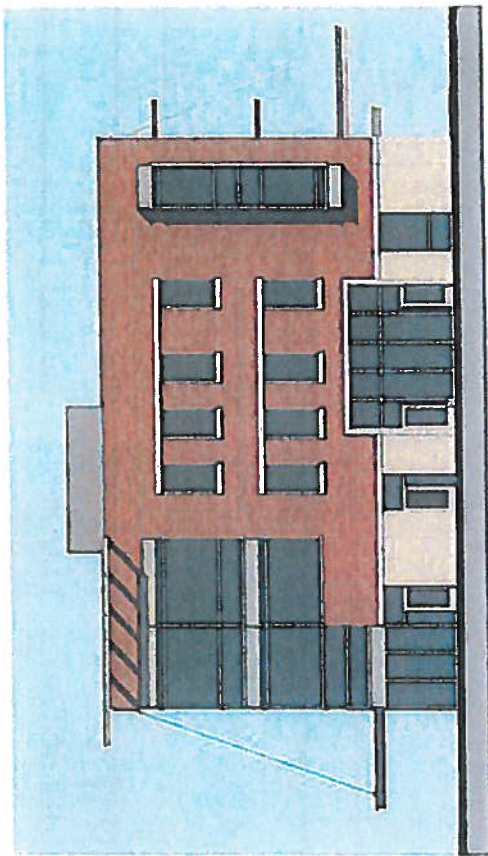
DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

SOUTH
ELEVATION

ASK06

JANUARY 23, 2013





1 WEST ELEVATION

1/16" = 1'-0"

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

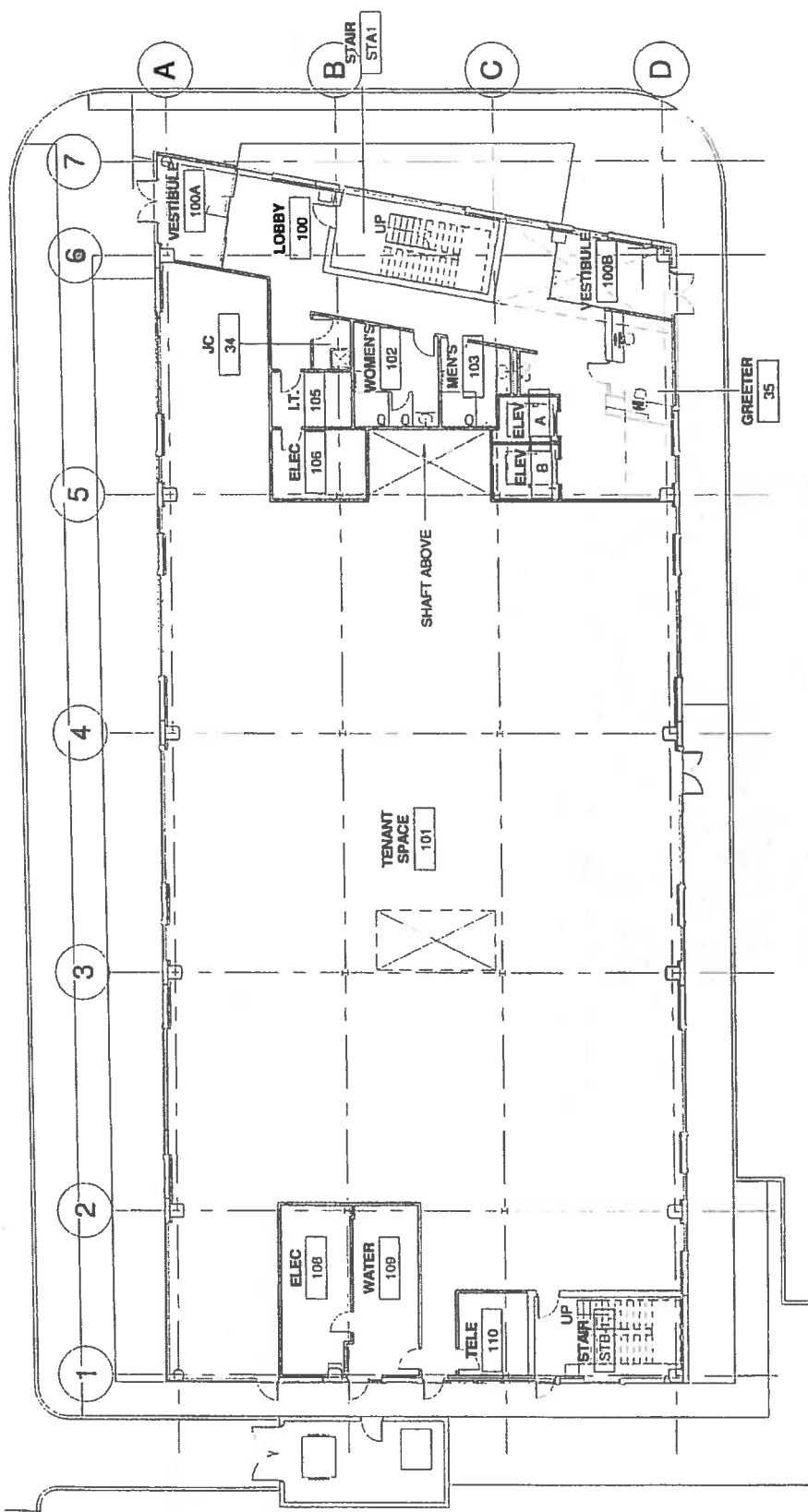
WEST
ELEVATION

ASK07

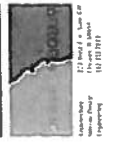
JANUARY 23, 2013



5



1 1ST FLOOR PLAN
1/16" = 1'-0"

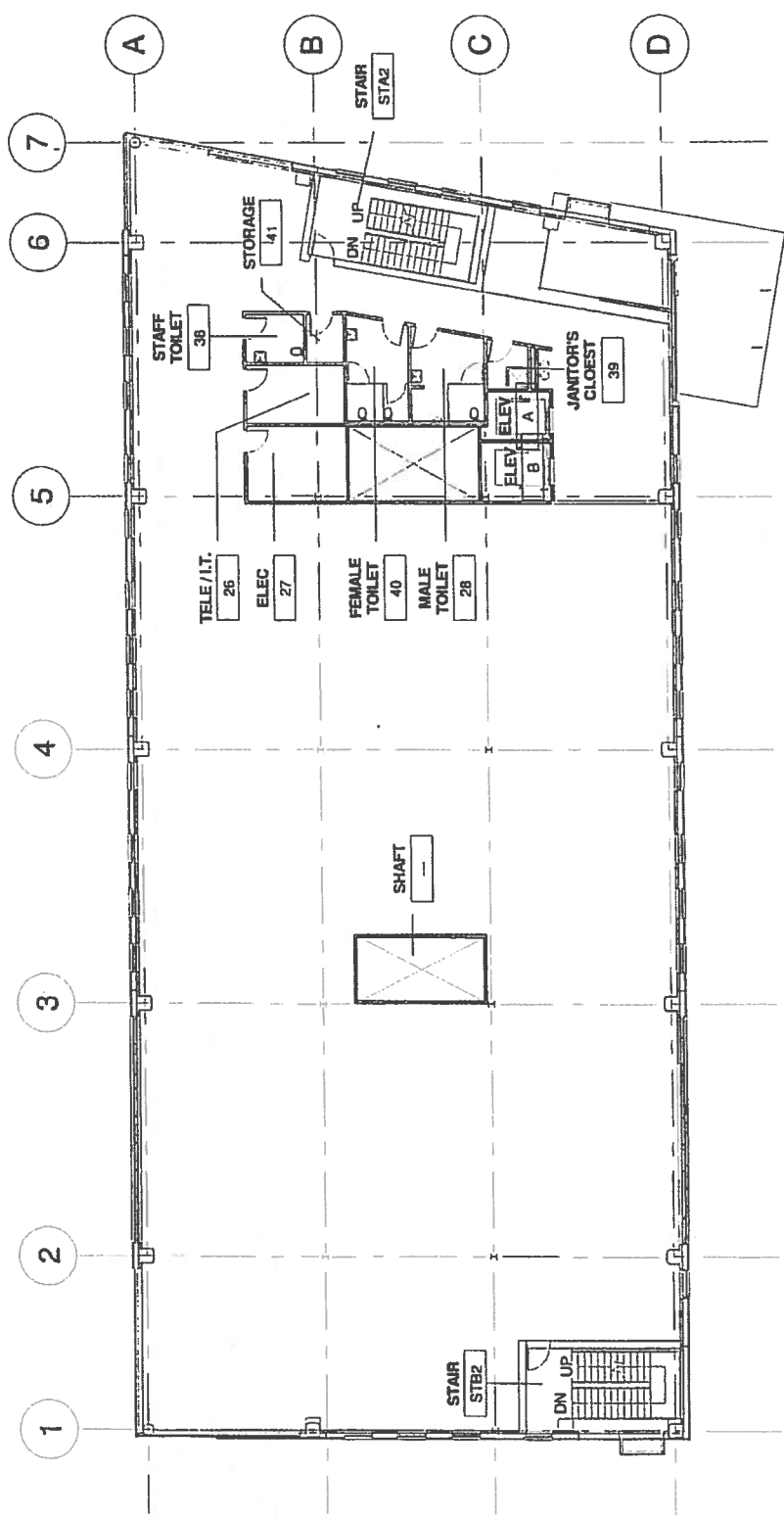


ASK01

JANUARY 23, 2013

FIRST FLOOR PLAN

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE



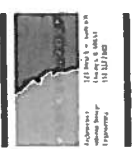
1 2ND FLOOR PLAN
1/16" = 1'-0"

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

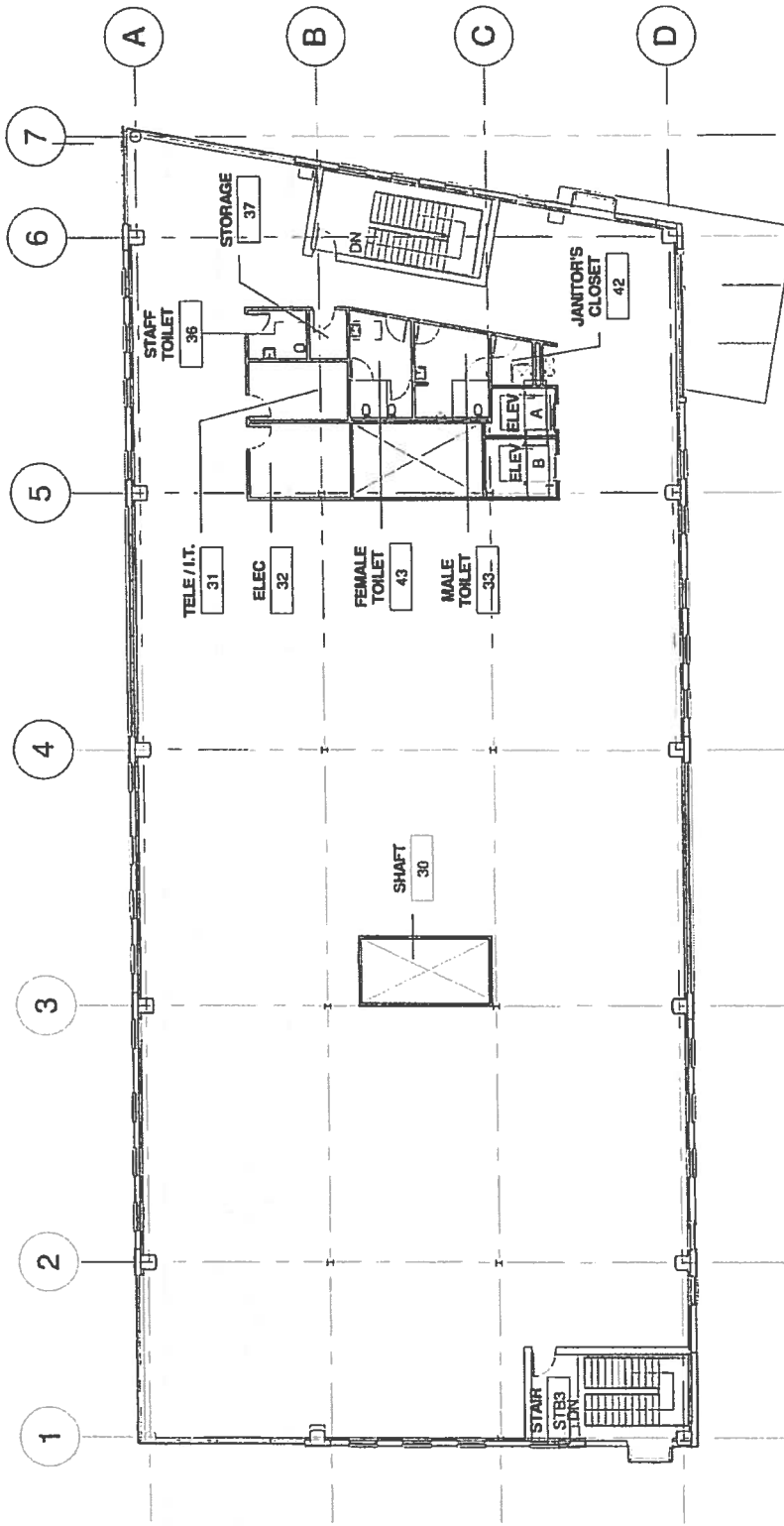
SECOND
 FLOOR
 PLAN

ASK02

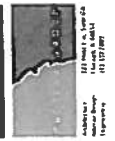
JANUARY 23, 2013



4



1 3RD FLOOR PLAN
1/16" = 1'-0"

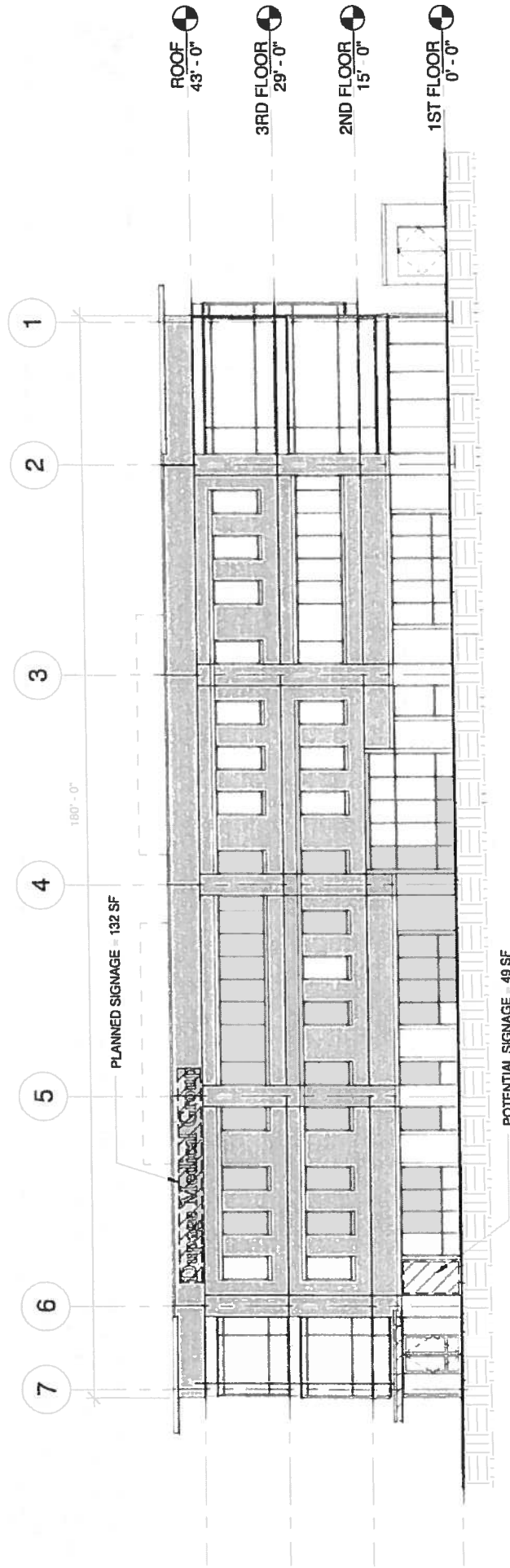


DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

THIRD
FLOOR
PLAN

ASK03

JANUARY 23, 2013



1 NORTH ELEVATION - SIGNAGE

1/16" = 1'-0"

180 FT LENGTH x 1.5 = 270 MAX SIGNAGE SF

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WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

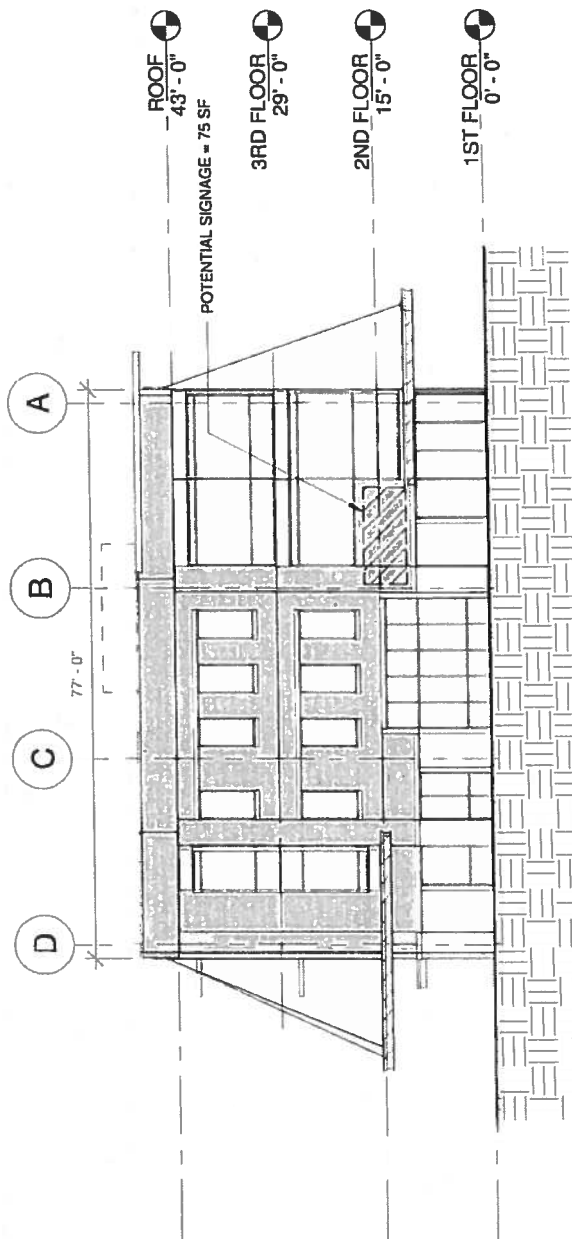
NORTH
ELEVATION
SIGNAGE

ASK08

JANUARY 23, 2013



2



1 EAST ELEVATION - SIGNAGE

1/16" = 1'-0"

77 FT LENGTH x 1.5 = 115.5 MAX SIGNAGE SF

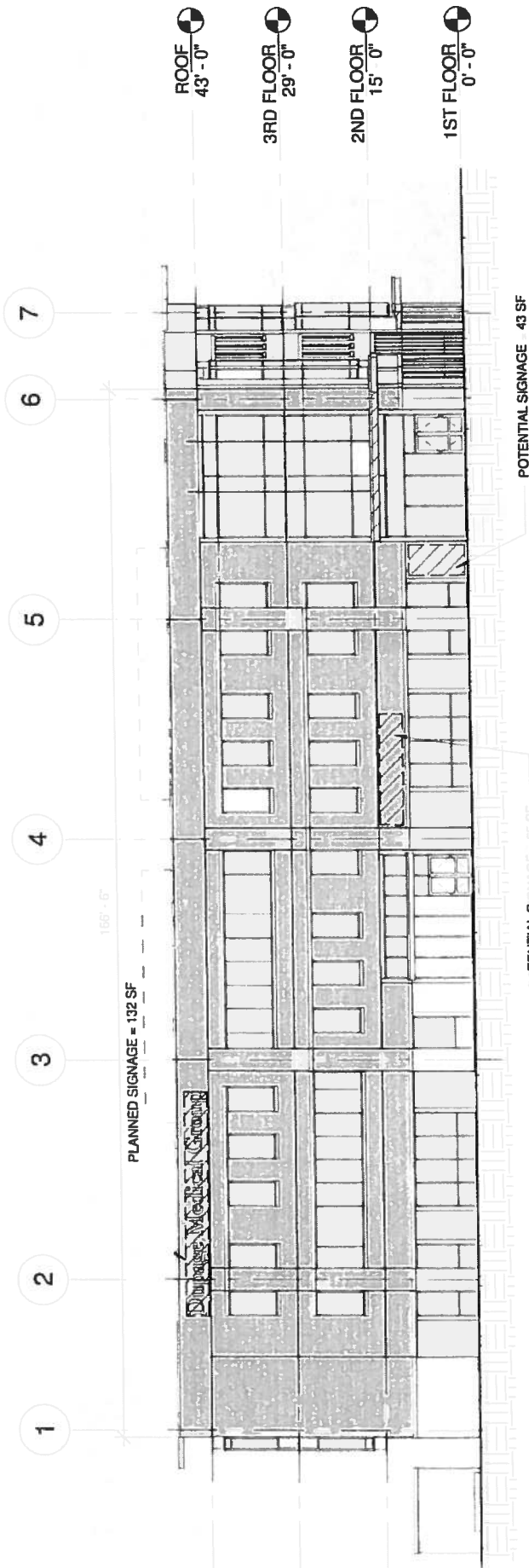
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WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

EAST
ELEVATION
SIGNAGE

ASK09

JANUARY 23, 2013

M



1 SOUTH ELEVATION - SIGNAGE
 $\frac{1}{16"} = 1'-0"$
 166.5 FT LENGTH x 1.5 = 249 MAX SIGNAGE SF

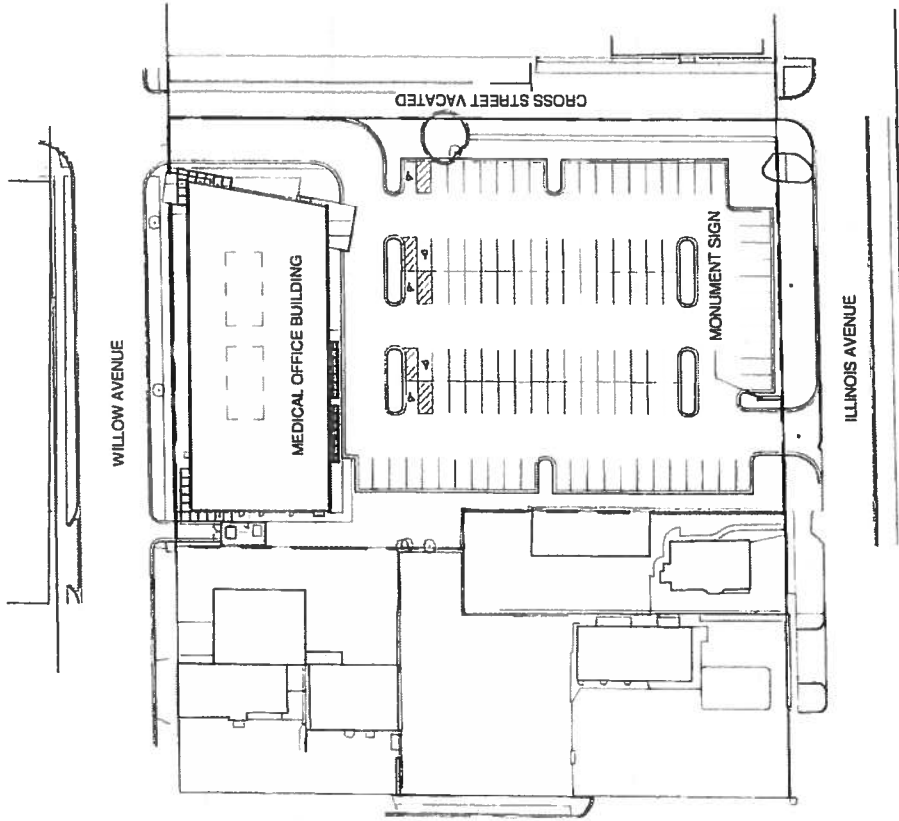
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WILLOW AVENUE

SOUTH ELEVATION SIGNAGE

ASK10

JANUARY 23, 2013





2 SITE PLAN - SIGNAGE
1/64" = 1'-0"

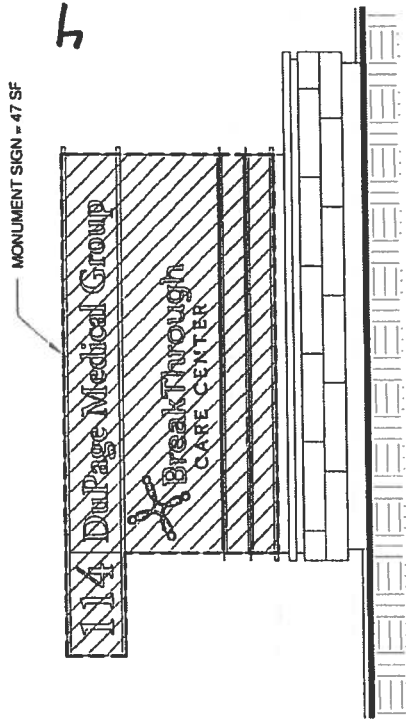
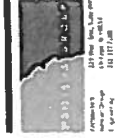
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WILLOW AVENUE

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MONUMENT
SIGN

ASK11

JANUARY 23, 2013



3 MONUMENT SIGN ON ILLINOIS STREET - EAST ELEVATION
3/8" = 1'-0"



1 MONUMENT SIGN - RENDERED
1/16" = 1'-0"