

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 $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ 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 $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ 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 $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ 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 $\frac{1}{2}$ 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 $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ 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.

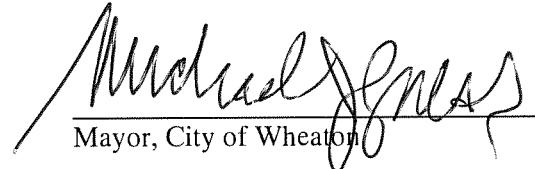
Section 4: By affixing its signature to this Ordinance the Owner acknowledges that it has accepted all of the terms, conditions and covenants of this Ordinance and that such constitute an agreement and covenant that runs with the land. This Ordinance and all exhibits shall be recorded by the Wheaton 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.

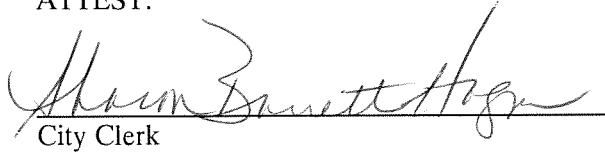
This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Michael J. Jones

Mayor, City of Wheaton

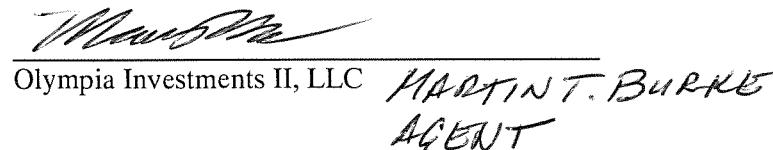
ATTEST:



Alan Bennett
City Clerk

Date: 4-2-13

Conditions and Covenants accepted



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

Exhibit I

AGREEMENT

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,"

WITNESSETH:

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 determined
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 hereinbefore
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 #¹⁴ 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.

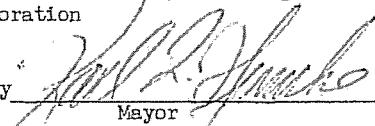
5. The Owners agree further that they will not erect or construct any building or structure of any kind, except paving, drainage, landscaping and lighting improvements, which shall be constructed in such a manner that they will not interfere with the construction or maintenance of said public utilities.

6. In the event the grade of said vacated street shall be lowered below the existing grade and such reducing 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.

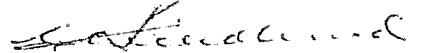
7. This agreement shall be recorded and shall be binding upon successors in title to said property abutting the portion of Cross Street to be vacated.

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:


City Clerk

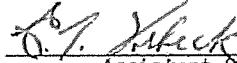
(CORPORATE SEAL)

City

JEWEL TEA CO., INC., a corporation

By 
Vice President

ATTEST:

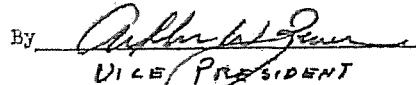

Assistant Secretary

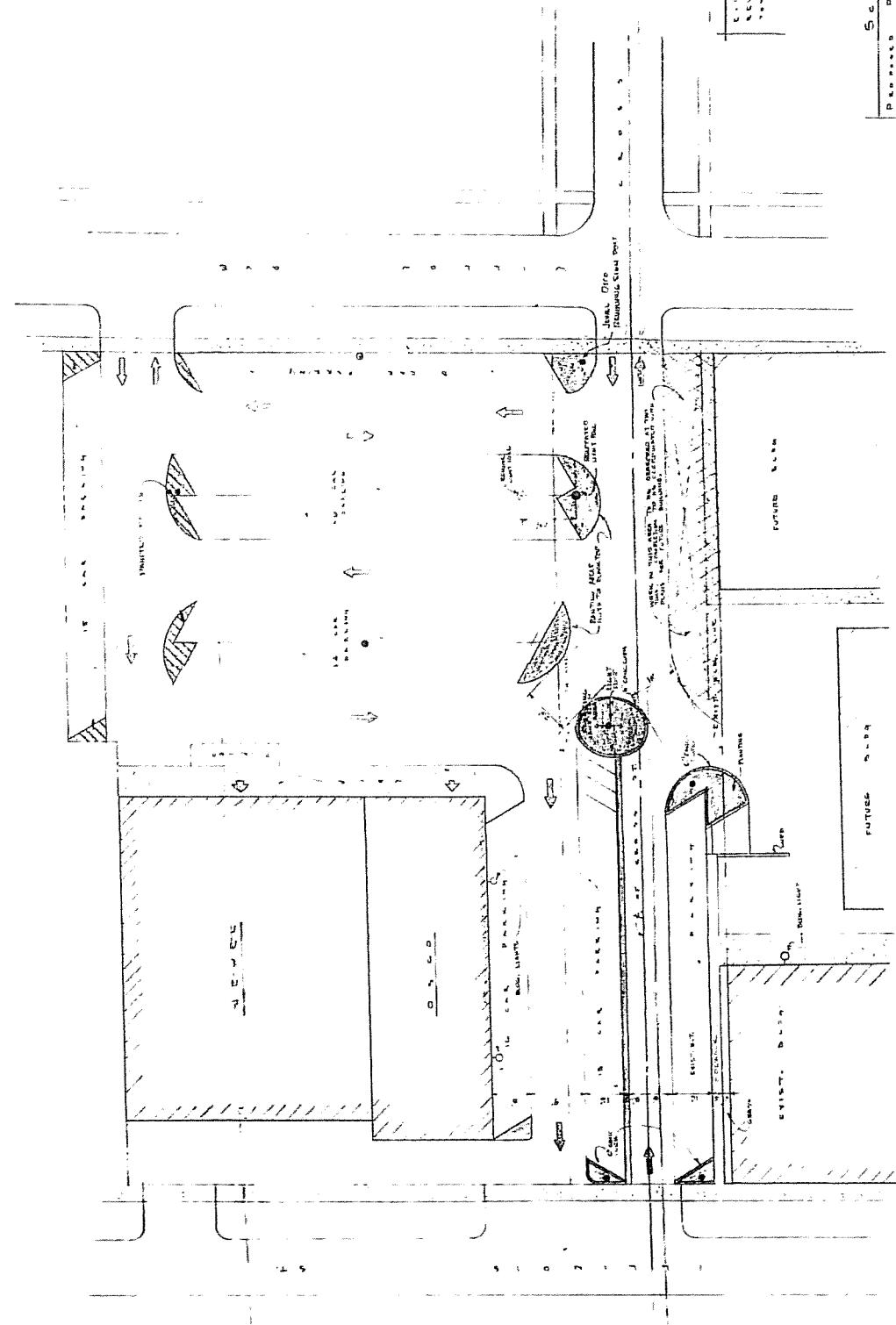
(CORPORATE SEAL)

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

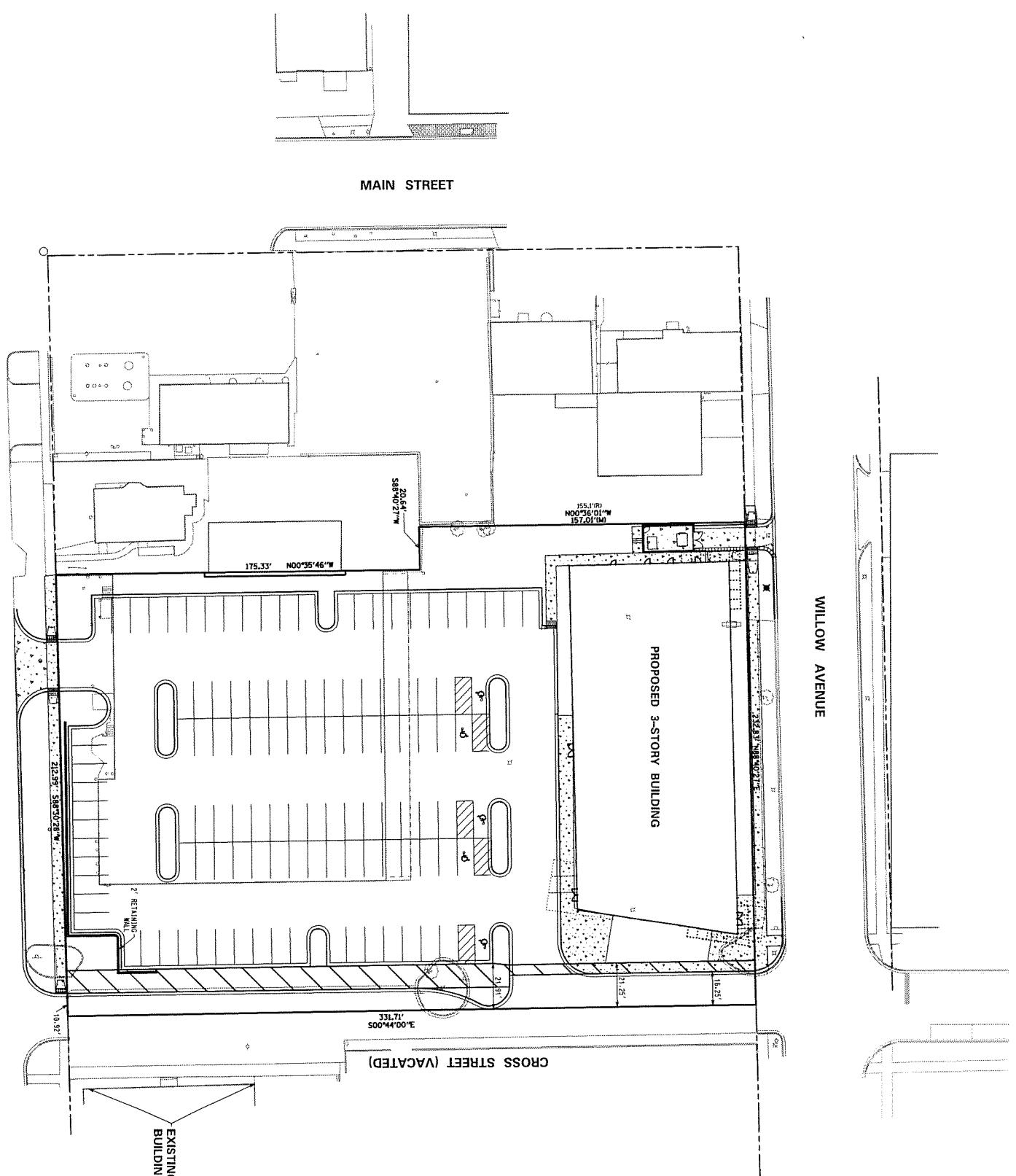
By 
VICE-PRESIDENT

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

By 
VICE-PRESIDENT



Schematic 4	
Reactor	Reaction
Willow	Crop
Resin	1/16 in.



LEGEND
EASEMENT TRANSFER AREA

SCALE 1' = 30'
0 30 60

EX 2
1 OF 1

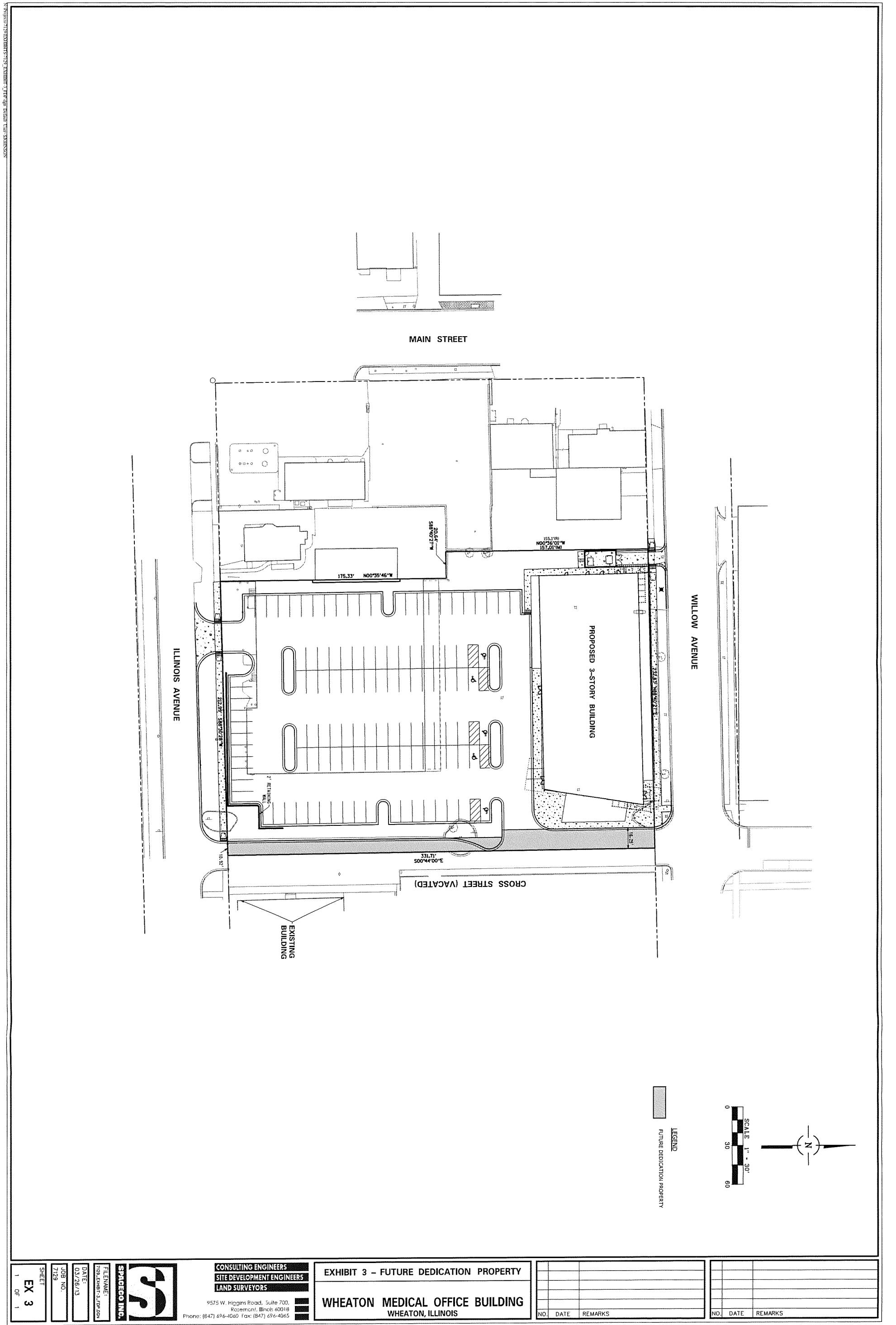


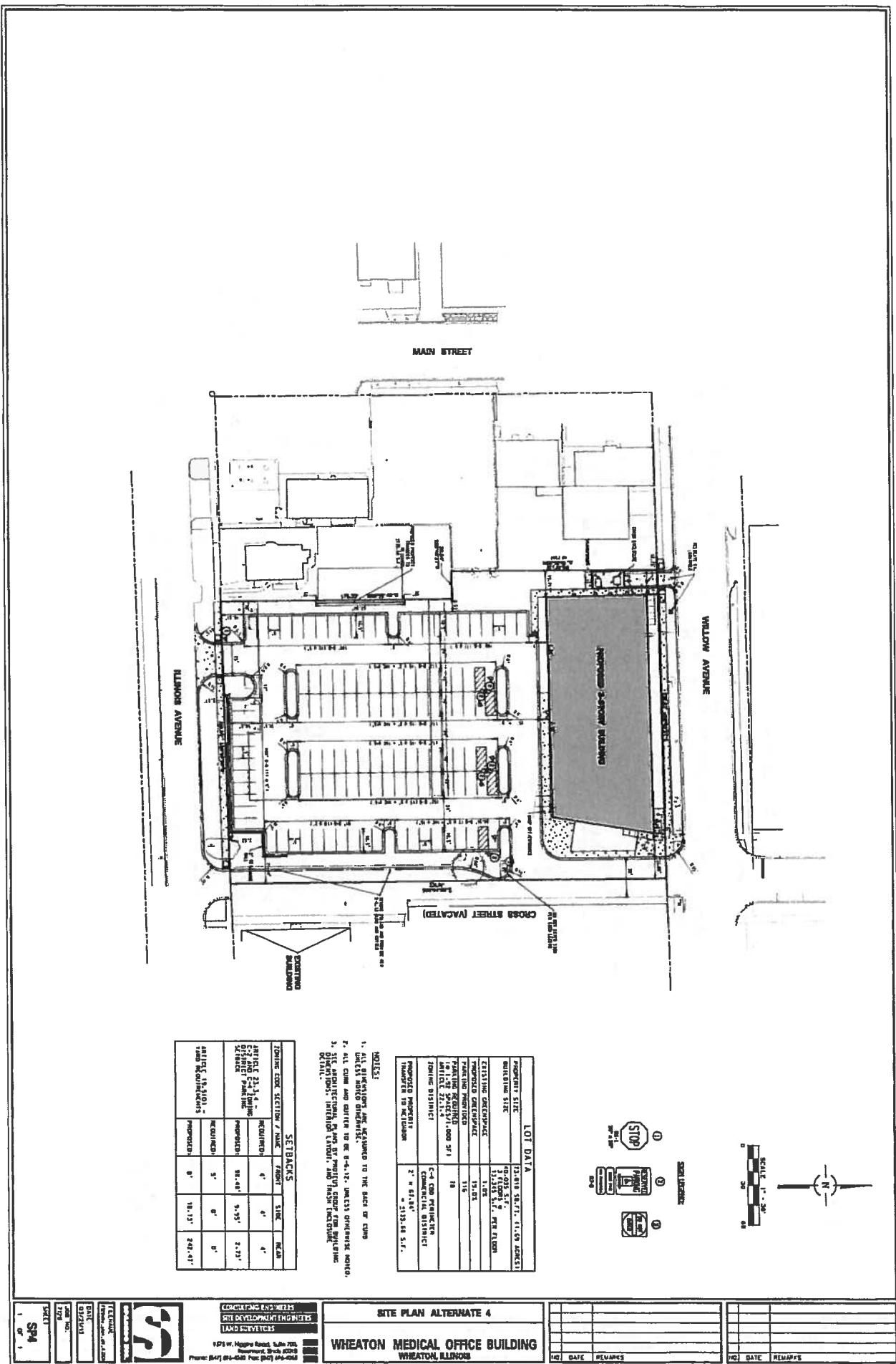
CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS
9575 W. Higgins Road, Suite 700,
Rosemont, Illinois 60018
Phone: (847) 696-4060 Fax: (847) 696-4065

EXHIBIT 2 - EASEMENT TRANSFER AREA
WHEATON MEDICAL OFFICE BUILDING
WHEATON, ILLINOIS

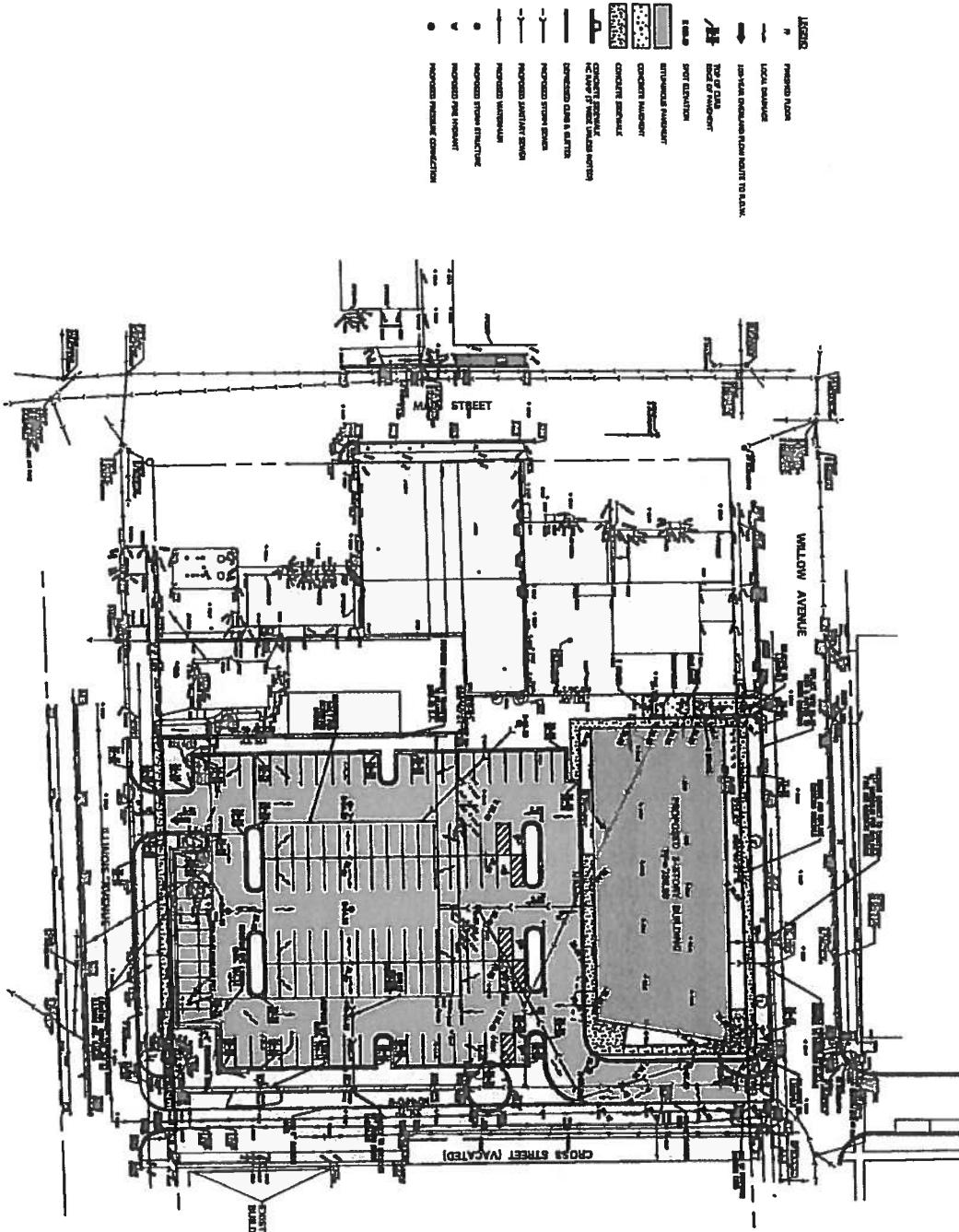
NO.	DATE	REMARKS

NO.	DATE	REMARKS

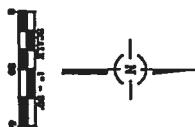




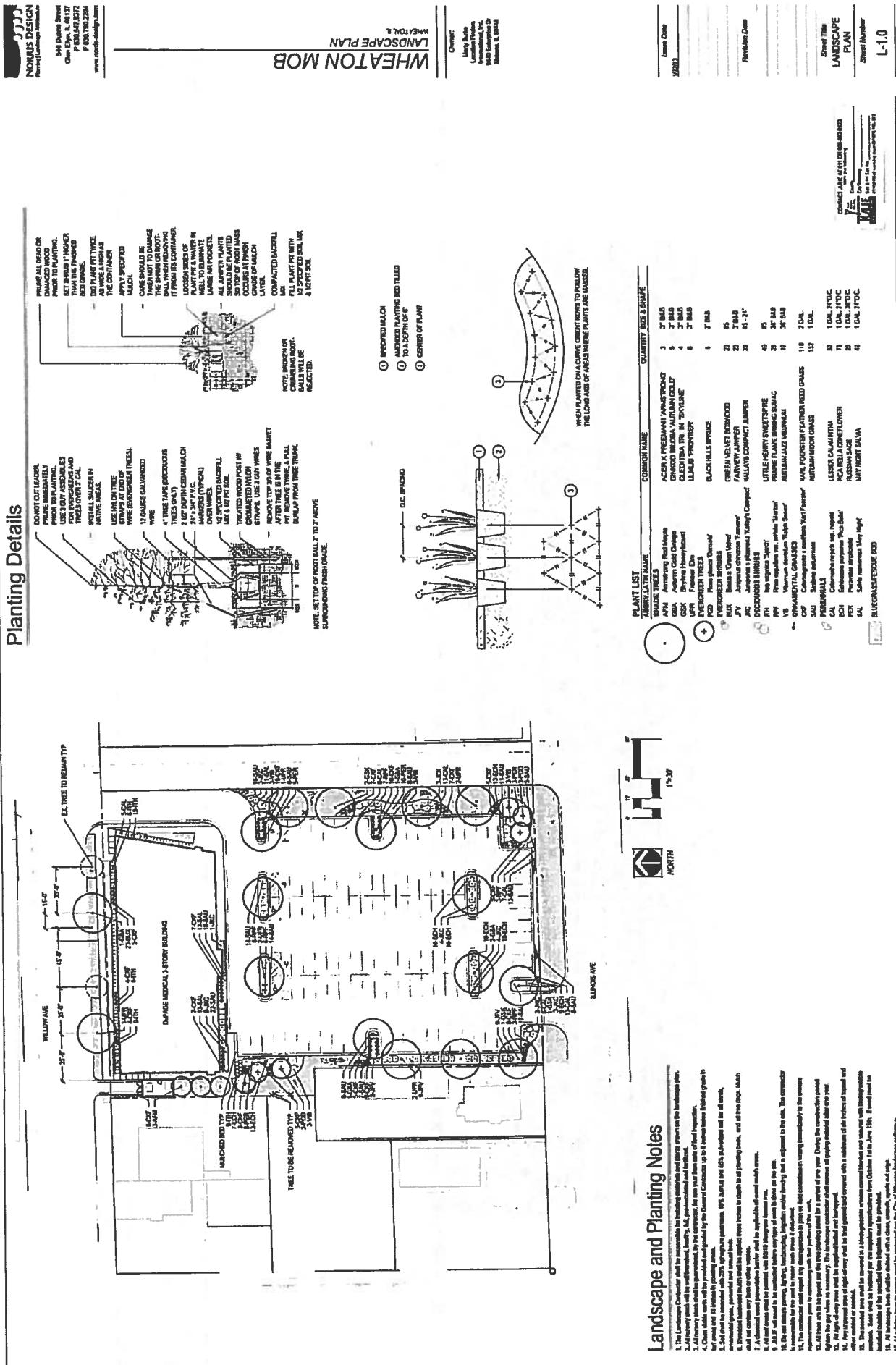
NOT FOR CONSTRUCTION



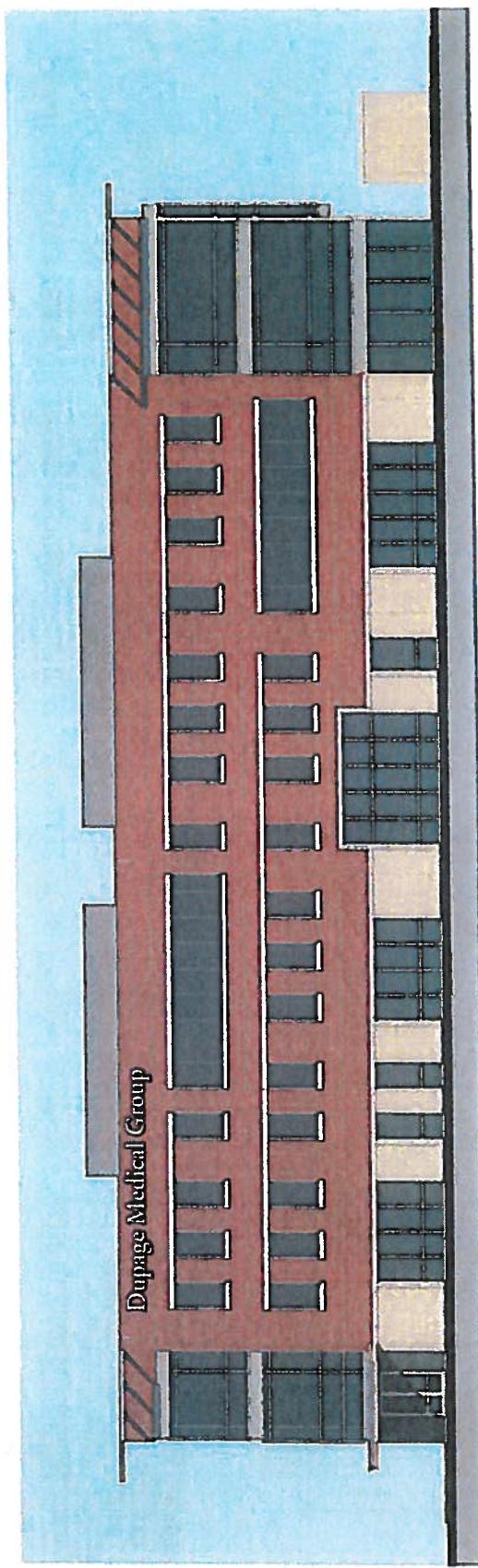
NOTES:
1. Land shown on all dimensions is shown as 1/8".
2. All dimensions and offsets are in feet.
3. All dimensions are approximate.


S P-ENG PER CIVIL CONTRACTOR ARCHITECT CIVIL CONTRACTOR CIVIL CONTRACTOR	**CONSULTING ENGINEERS THE DEVELOPMENT ENGINEERS LAND SURVEYORS** 1575 W. Higgins Road, Suite 700 Buckingham, Illinois 60015 Phone: (312) 524-4200 Fax: (312) 524-4202	**PRELIMINARY ENGINEERING PLAN** **WHEATON MEDICAL OFFICE BUILDING** **WHEATON, ILLINOIS**		NO.	DATE	REMARKS		-----	------	---------		1				2				3				4				5				6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				25				26				27				28				29				30				31				32				33				34				35				36				37				38				39				40				41				42				43				44				45				46				47				48				49				50				51				52				53				54				55				56				57				58				59				60				61				62				63				64				65				66				67				68				69				70				71				72				73				74				75				76				77				78				79				80				81				82				83				84				85				86				87				88				89				90				91				92				93				94				95				96				97				98				99				100				101				102				103				104				105				106				107				108				109				110				111				112				113				114				115				116				117				118				119				120				121				122				123				124				125				126				127				128				129				130				131				132				133				134				135				136				137				138				139				140				141				142				143				144				145				146				147				148				149				150				151				152				153				154				155				156				157				158				159				160				161				162				163				164				165				166				167				168				169				170				171				172				173				174				175				176				177				178				179				180				181				182				183				184				185				186				187				188				189				190				191				192				193				194				195				196				197				198				199				200				201				202				203				204				205				206				207				208				209				210				211				212				213				214				215				216				217				218				219				220				221				222				223				224				225				226				227				228				229				230				231				232				233				234				235				236				237				238				239				240				241				242				243				244				245				246				247				248				249				250				251				252				253				254				255				256				257				258				259				260				261				262				263				264				265				266				267				268				269				270				271				272				273				274				275				276				277				278				279				280				281				282				283				284				285				286				287				288				289				290				291				292				293				294				295				296				297				298				299				300				301				302				303				304				305				306				307				308				309				310				311				312				313				314				315				316				317				318				319				320				321				322				323				324				325				326				327				328				329				330				331				332				333				334				335				336				337				338				339				340				341				342				343				344				345				346				347				348				349				350				351				352				353				354				355				356				357				358				359				360				361				362				363				364				365				366				367				368				369				370				371				372				373				374				375				376				377				378				379				380				381				382				383				384				385				386				387				388				389				390				391				392				393				394				395				396				397				398				399				400				401				402				403				404				405				406				407				408				409				410				411				412				413				414				415				416				417				418				419				420				421				422				423				424				425				426				427				428				429				430				431				432				433				434				435				436				437				438				439				440				441				442				443				444				445				446				447				448				449				450				451				452				453				454				455				456				457				458				459				460				461				462				463				464				465				466				467				468				469				470				471				472				473				474				475				476				477				478				479				480				481				482				483				484				485				486				487				488				489				490				491				492				493				494				495				496				497				498				499				500			

Planting Details



Landscaping and Planting Notes

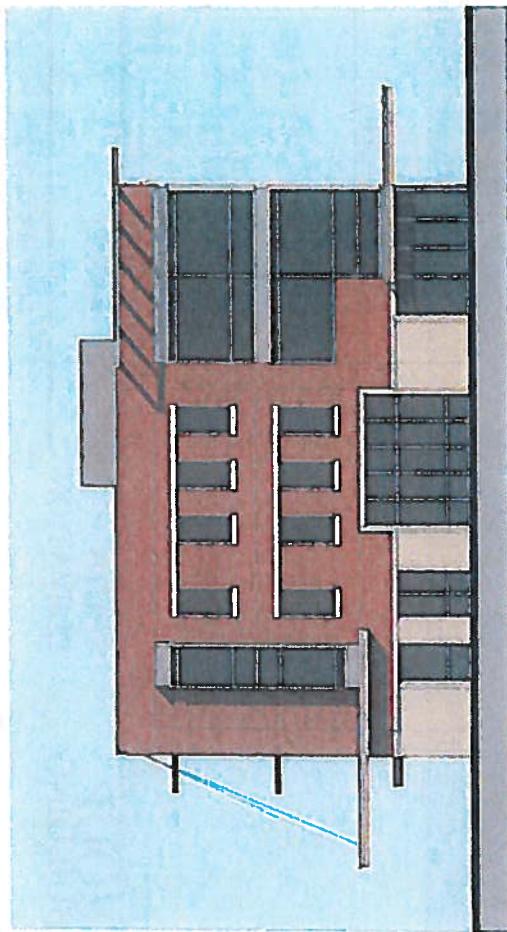


NORTH ELEVATION
1 1/16" = 1'-0"

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

— NORTH ELEVATION — ASK04 — JANUARY



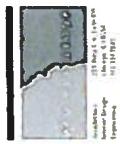


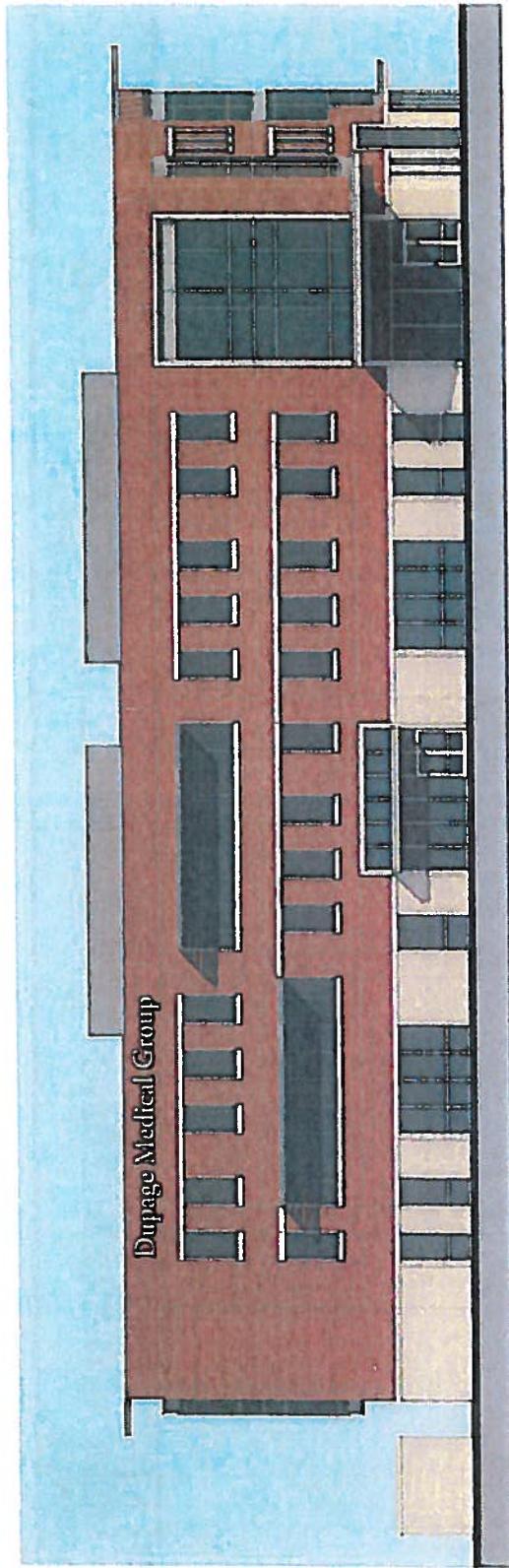
① EAST ELEVATION
1'16" = 1'-0"

**DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE**

EAST
ELEVATION
ASK05

JANUARY 23, 2013

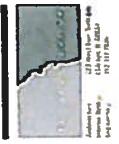




① **SOUTH ELEVATION**
 $1/16^{\prime\prime} = 1'-0^{\prime\prime}$

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

**SOUTH
ELEVATION** **ASK06**
JANUARY 23, 2013



A vertical architectural rendering of a modern building. The main structure is a red brick building with a central entrance featuring a glass door. To the right, there is a glass-enclosed section with a grid pattern. The building is set against a light blue background.

WEST ELEVATION

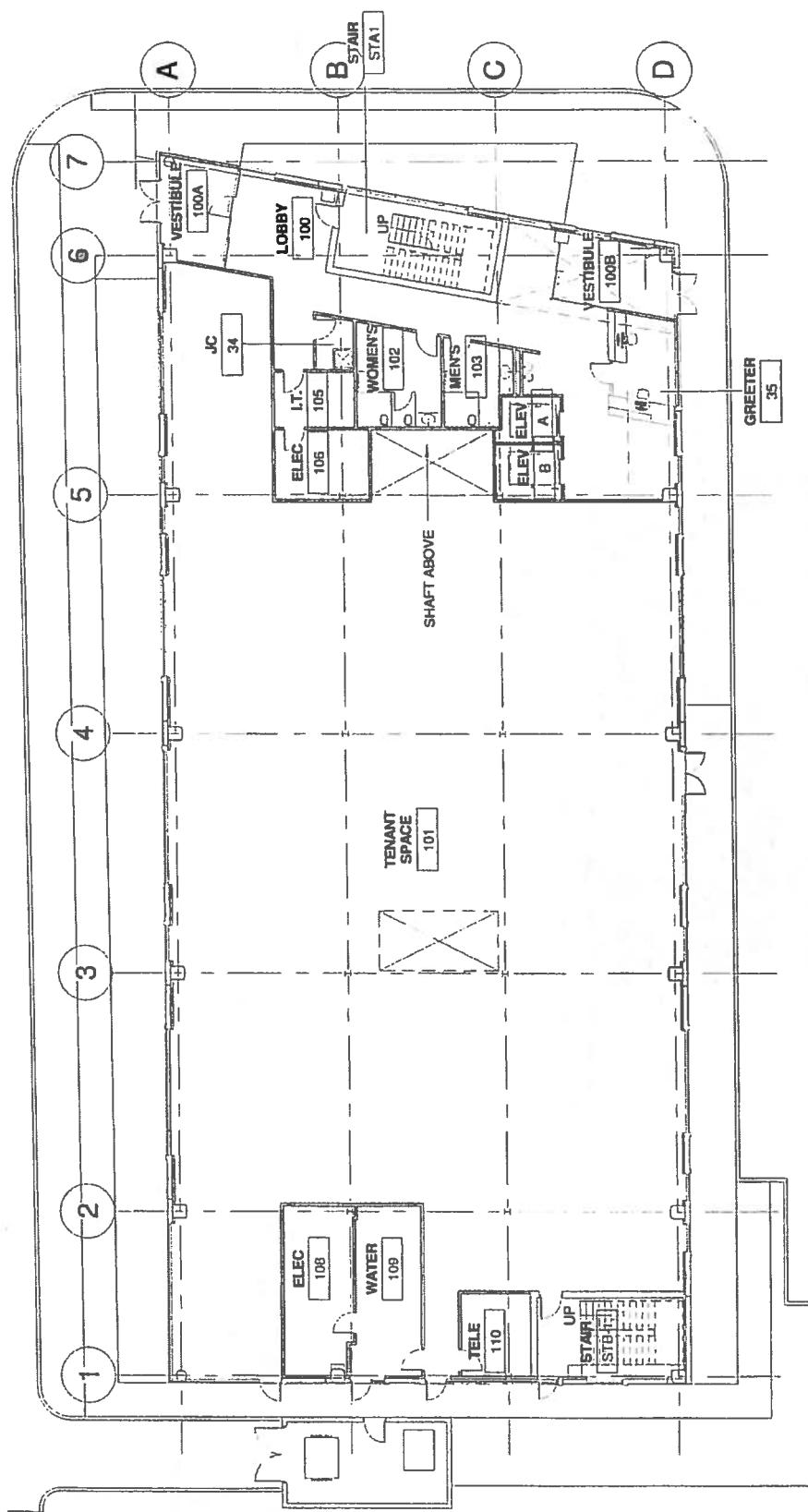
1/16

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

ASK07

JANUARY 23, 2013





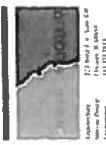
1ST FLOOR PLAN

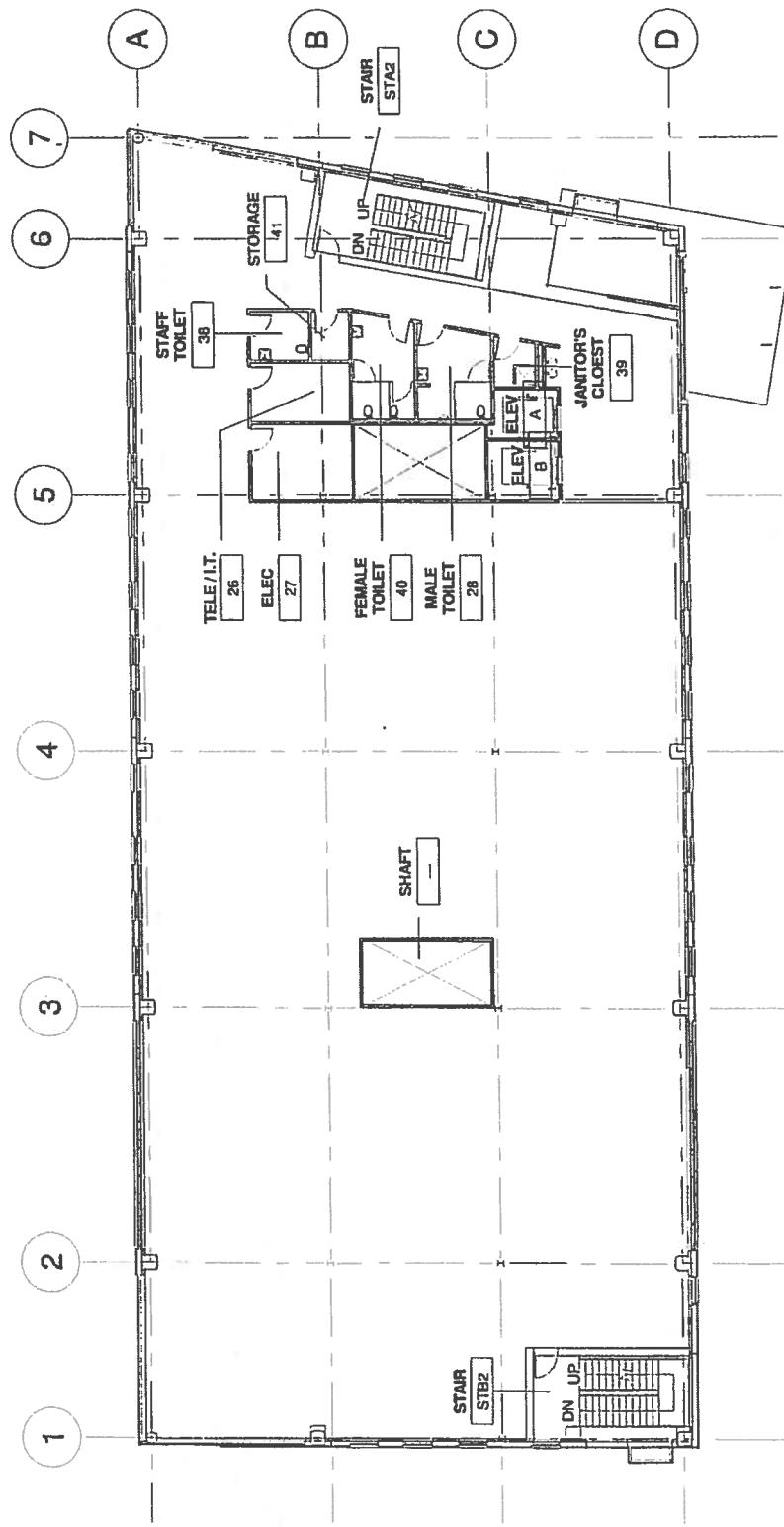
1/16" = 1'0"

JANUARY 23, 2013

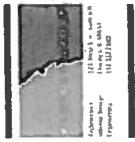
**FIRST
FLOOR
PLAN**

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE





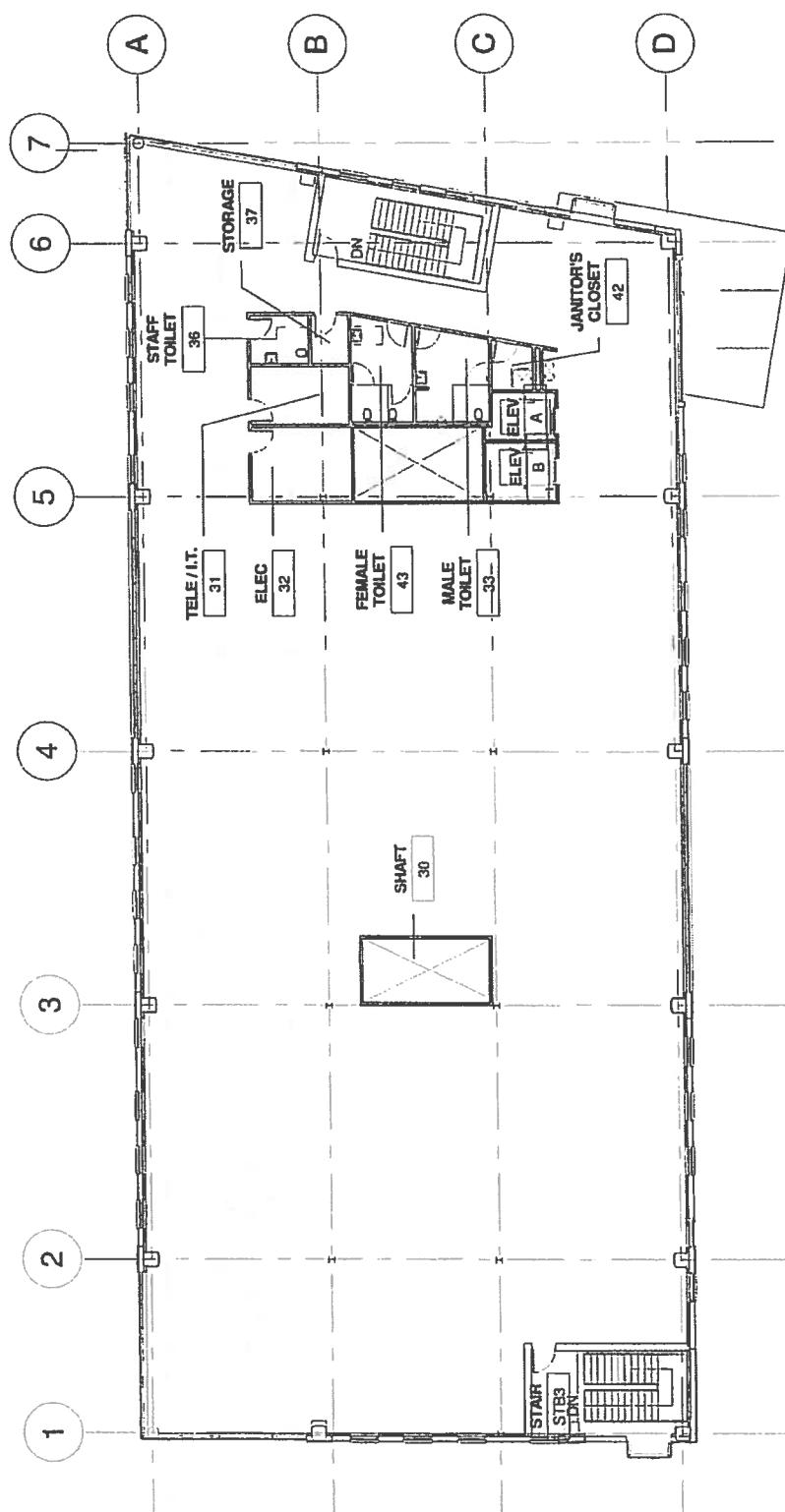
① 2ND FLOOR PLAN



1/16" = 1'-0"
SECOND FLOOR PLAN
ASK02
JANUARY 23, 2013

**DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE**

© 2011 PHOTOLUS GROUP - FILE C:\Users\photon\Documents\12-018\Whitton\100-All Site-Comments\Uncommented.m

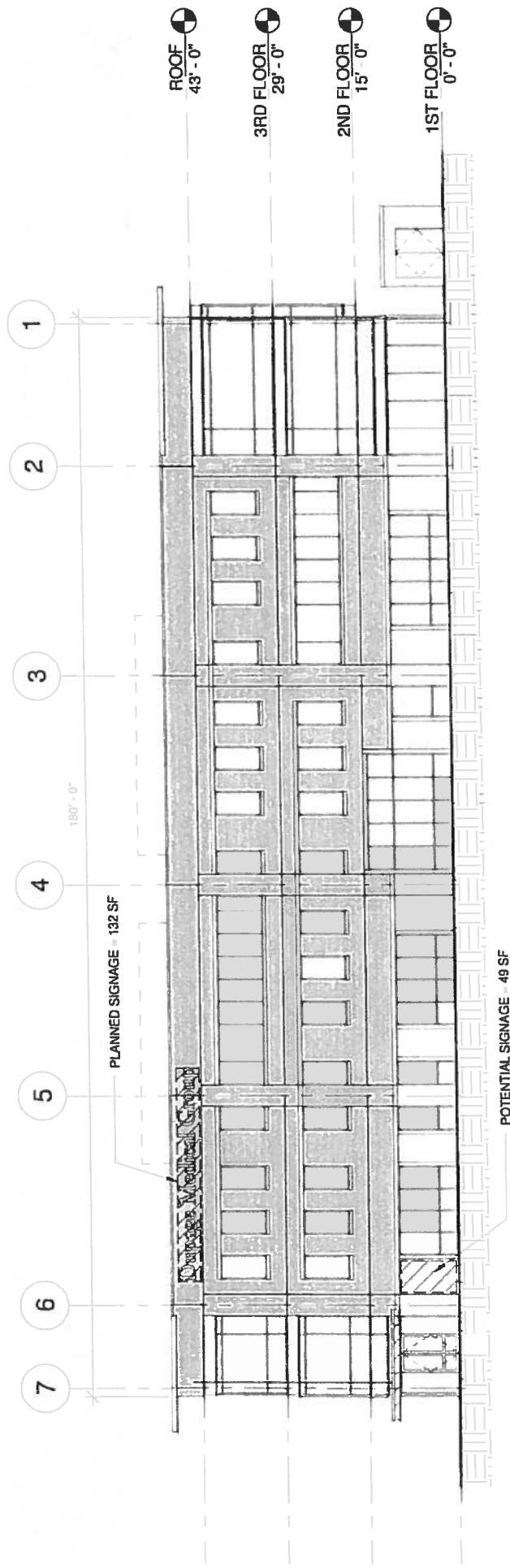


1 3RD FLOOR PLAN
1/16" = 1'-0"

DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

THIRD
FLOOR
PLAN
ASK03
JANUARY 23, 2013





1 NORTH ELEVATION - SIGNAGE

1 180 FT LENGTH x 1.5 = 270 MAX SIGNAGE SF

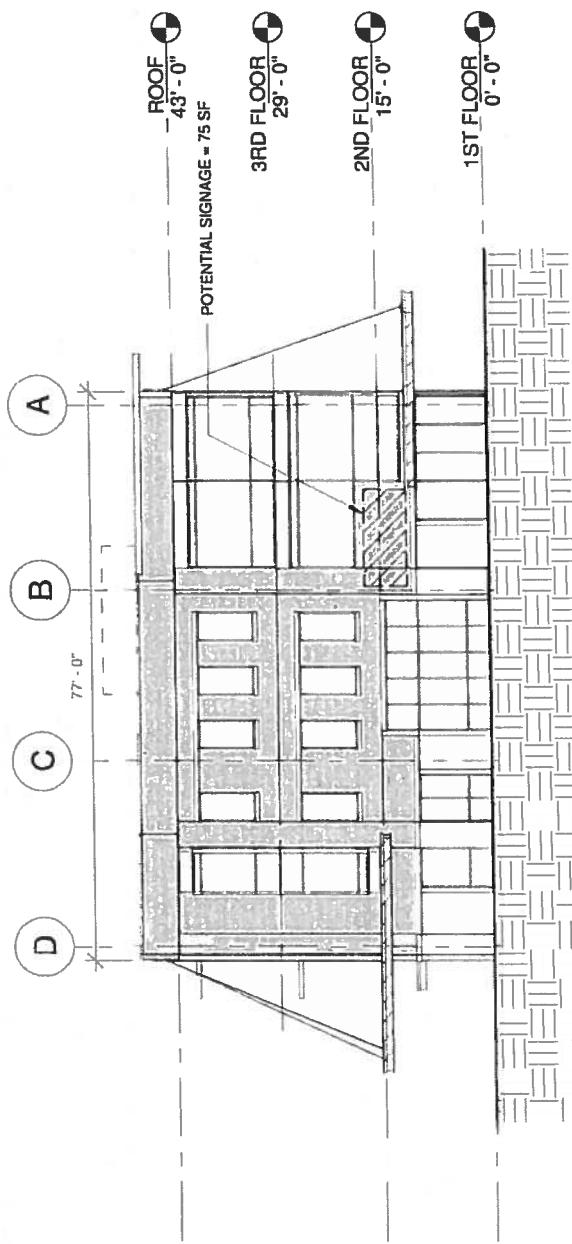
DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

NORTH
ELEVATION
SIGNAGE

ASK08

JANUARY 23, 2013





EAST ELEVATION - SIGNAGE

1 77 FT LENGTH x 1.5 = 115.5 MAX SIGNAGE SF

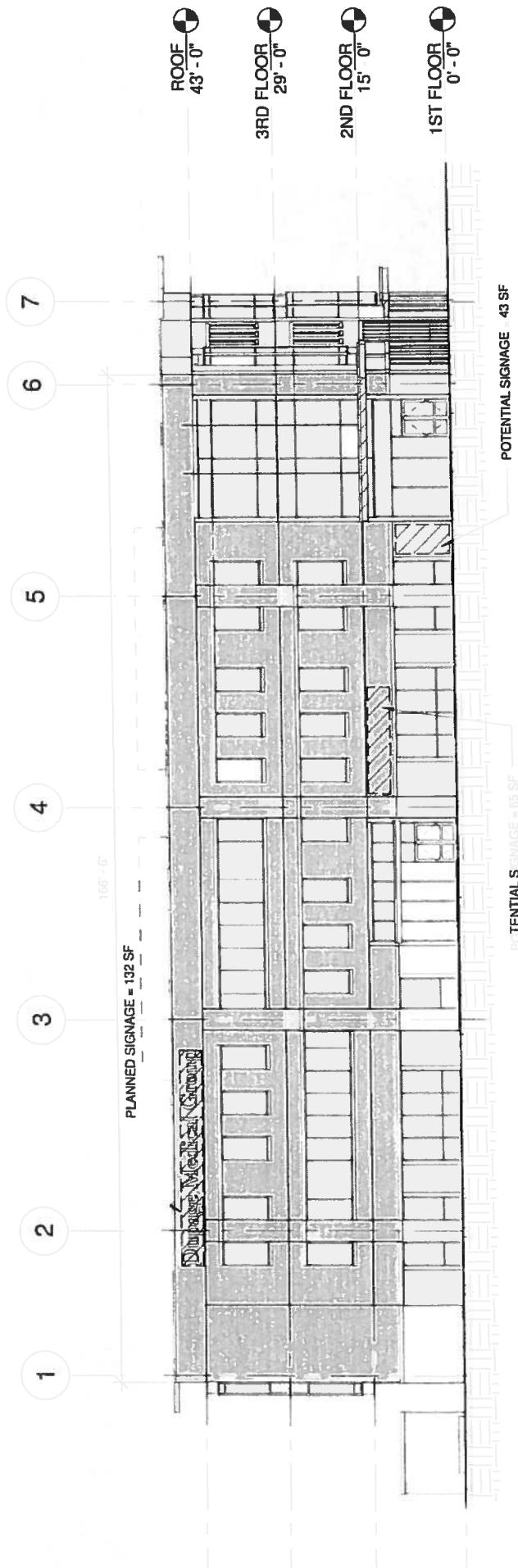
DUPAGE MEDICAL GROUP
WEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

EAST
ELEVATION
SIGNAGE

ASK09
JANUARY 23, 2013



M



1 **SOUTH ELEVATION - SIGNAGE**

166.5 FT LENGTH x 1.5 = 249 MAX SIGNAGE SF



DUPAGE MEDICAL GROUP
WHEATON MEDICAL OFFICE BUILDING
WILLOW AVENUE

SOUTH ELEVATION SIGNAGE

ASK10

JANUARY 23, 2013

