

ORDINANCE NO. F-1803

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. F-1735, "AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO CONSTRUCT AND OPERATE A CONVENIENCE FILLING STATION AND CARWASH – 1000 EAST ROOSEVELT ROAD/ BUCHANAN ENERGY LLC" ("ORIGINAL ORDINANCE") - BUCHANAN ENERGY

WHEREAS, the City of Wheaton, Illinois ("CITY"), previously enacted City Ordinance No. F-1735 ("ORIGINAL ORDINANCE") recorded on October 24, 2013 as Document Number R2013-148099 in the Office of the Du Page County Recorder of Deeds; authorizing the construction and use of a convenience filling station and carwash on the subject property legally described on Exhibit A, attached hereto, and commonly known as 1000 and 1100 East Roosevelt Road, Wheaton, Illinois; and

WHEREAS, application has been made to amend Section 2 of the ORIGINAL ORDINANCE in order to approve a revised plat of resubdivision of the subject property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

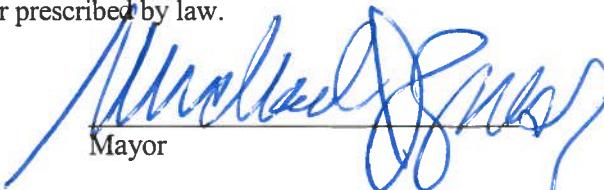
Section 1: That Section 2 of the ORIGINAL ORDINANCE is hereby amended by repealing and rescinding said Section 2 in its entirety and replacing it with the following.

1. The plat of the Paragon Wheaton Plat of Resubdivision, as prepared by Joel C. Vietti, an Illinois Professional Land Surveyor, and dated July 29, 2014 is hereby approved. The Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor on the plat of Paragon Wheaton Plat of Resubdivision.
2. The applicant shall present a plat of consolidation of the property located at 1000 East Roosevelt Road and the proposed Lot 1 of Paragon Wheaton Plat of Resubdivision prior to the issuance of a Certificate of Occupancy for the approved convenience filling station and carwash on the subject property.

Section 2: In all other respects, the terms and provisions of the ORIGINAL ORDINANCE are ratified and 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Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.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.


Mayor

ATTEST:


City Clerk

Roll Call Vote

Ayes:	Councilman Suess Councilman Prendiville Councilman Rutledge Councilman Saline Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo
Nays:	None
Absent:	None

Motion Passed Unanimously

Passed: August 4, 2014
Published: August 5, 2014

EXHIBIT A

PARCEL 1: LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 (EXCEPT THE NORTH 10 FEET OF SAID LOTS) AND LOTS 15, 16, 17, 18, 19, 20, 21, AND 22 IN BLOCK 2 IN WHEATON ESTATES, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 1, 1924, AS DOCUMENT 177383, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: THE WEST HALF OF THE NORTH 93 FEET (EXCEPT THE NORTH 6 FEET OF THE WEST HALF, AS MEASURED ON THE EAST AND WEST LINES THEREOF) OF THAT PART OF WILLISTON STREET LYING SOUTH OF THE NORTH LINE OF BLOCK 1 AND EXCEPT THAT PART OF THE WEST HALF OF THE NORTH 93 FEET (AS MEASURED ON THE EAST AND WEST LINES THEREOF) (EXCEPT THE NORTH 6 FEET THEREOF) OF THAT PART OF VACATED WILLISTON STREET LYING SOUTH OF THE NORTH LINE OF BLOCK 1, EXTENDED WEST AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38) AND THE EAST LINE OF LOT 1 IN BLOCK 2 AS MONUMENTAL AND OCCUPIED; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 03 MINUTES 09 SECONDS EAST, 4.00 FEET ALONG SAID EAST LINE OF LOT 1, SAID POINT BEING MONUMENTED BY AN ILLINOIS DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS SURVEY MARKER; THENCE SOUTH 89 DEGREES 35 MINUTES 45 SECONDS EAST, 32.89 FEET TO A POINT ON THE EAST LINE OF SAID WEST HALF OF THE VACATED WILLISTON STREET; THENCE NORTH 00 DEGREES 03 MINUTES 09 SECONDS WEST, 5.08 FEET ALONG THE EAST LINE OF AFORESAID WEST HALF OF VACATED WILLISTON STREET TO THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38); THENCE SOUTH 88 DEGREES 31 MINUTES 32 SECONDS WEST, 32.90 FEET, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD TO THE POINT OF BEGINNING, ALL IN WHEATON ESTATES BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924, AS DOCUMENT 177383, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3: LOTS 10 AND 11 (EXCEPTING THE NORTH 12 FEET OF SAID LOTS) IN BLOCK 1 IN WHEATON ESTATES, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924, AS DOCUMENT 177383, IN DUPAGE COUNTY, ILLINOIS.

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BEARING OF SOUTH 88 DEGREES 31 MINUTES 32 SECONDS WEST, 32.90 ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38), BEING THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 11, TO A POINT ON THE WEST LINE OF SAID EAST HALF OF THE VACATED WILLISTON STREET; THENCE SOUTH 00 DEGREES 03 MINUTES 09 SECONDS EAST, 10.93 FEET ALONG THE SAID WEST LINE OF THE EAST HALF OF THE VACATED) WILLISTON STREET TO A POINT; THENCE SOUTH 89 DEGREES 35 MINUTES 45 SECONDS EAST, 32.89 FEET TO A POINT ON THE WEST LINE OF SAID LOT 11, SAID POINT BEING MONUMENTED BY AN ILLINOIS DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS SURVEY MARKER; THENCE NORTH 00 DEGREES 03 MINUTES 09 SECONDS WEST, 12.00 FEET ALONG SAID WEST LINE OF LOT 11, TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924, AS DOCUMENT 177383, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5: ALL THAT PART OF LOTS 9, 10 AND 11 IN BLOCK 2 IN WHEATON ESTATES, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 22 TOWNSHIP 39 NORTH RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS RECORDED MAY 7, 1924, AS DOCUMENT 177383 DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF LOT 9; THENCE SOUTH 00 DEGREES 16 MINUTES 00 SECONDS WEST 10.00 FEET ALONG THE EAST LINE OF SAID LOT 9 TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 00 DEGREES 16 MINUTES 00 SECONDS WEST 122.00 FEET ALONG THE EAST LINE OF LOT 9 TO THE SOUTHEAST CORNER OF LOT 9; THENCE SOUTH 88 DEGREES 56 MINUTES 05 SECONDS WEST 160.00 ALONG THE SOUTH LINES OF LOTS 9, 10, AND 11 TO THE EAST RIGHT-OF-WAY LINE OF SOUTH PRESIDENT STREET PER DOCUMENT NO. R89-132806; THENCE NORTH 00 DEGREES 16 MINUTES 00 SECONDS EAST 111.00 FEET ALONG SAID LINE; THENCE NORTH 44 DEGREES 36 MINUTES 03 SECONDS EAST 15.73 FEET TO THE SOUTH LINE OF EAST ROOSEVELT ROAD; THENCE NORTH 88 DEGREES 56 MINUTES 05 SECONDS EAST 149.00 FEET ALONG SAID LINE TO THE PLACE OF BEGINNING.

P.I.N. 05-22-100-024; -028;
05-22-101-025; -026; -027

The subject property is commonly known as 1000 and 1100 East Roosevelt Road, Wheaton, IL 60187.



July 28, 2014

Mr. Paul Redman
City of Wheaton
303 W Wesley Street
Wheaton, IL 60187

**Subject: Paragon Wheaton Plat of Resubdivision
1100 E Roosevelt Road, Wheaton IL**

Dear Paul:

Paragon Real Estate respectfully requests the approval, by City Council, of the enclosed revised plat of resubdivision during the next scheduled meeting being held August 4th, 2014. Because Bucky's is not currently in a position to consolidate their corner lot with the portion of Lot 1 to be purchased from Paragon, and in order to comply with the delivery dates in our Lease agreement to AAA, the property needs to be properly subdivided (as per Section 62-13 of the City Code). As such, Paragon has submitted a revised plat of re-subdivision of only the 1100 property, with easement vacations. Paragon would also like to request to have the first plat approval vacated by the City Council.

Later, Paragon and Bucky's would file a plat of consolidation of the Bucky's parcel and the west lot of 1100 created by the new plat described above.

Please feel free to contact me with any questions or comments.

Respectfully,
Paragon Real Estate, LLC

A handwritten signature in black ink, appearing to read "Greg Van Landingham".

Greg Van Landingham
Managing Partner
Phone: (630) 368-1299
E-mail: greg@theparagoncompany.com

Enclosures

**PARAGON WHEATON
PLAT OF RESUBDIVISION**

AND VACATION OF EASEMENTS

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AND MAPPING

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ORDINANCE NO. F-1735

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED
UNIT DEVELOPMENT TO CONSTRUCT AND OPERATE A CONVENIENCE FILLING
STATION AND CARWASH – 1000 EAST ROOSEVELT ROAD/ BUCHANAN ENERGY LLC

WHEREAS, written application has also been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, for the issuance of an application for a special use permit for a planned unit development (“PUD”) to construct and operate a convenience filling station and carwash on a portion of the property legally described herein within the city limits of Wheaton, Illinois, (“Subject Property”) following the demolition of the existing buildings at 1000 and 1100 East Roosevelt Road and re-subdivision of the Subject Property into two lots; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on September 24, 2013 to consider the issuance of the subdivision and PUD; and the Board has recommended the issuance of the subdivision and PUD; and

NOW, THEREFORE, BE IT ORDAINED by the Wheaton City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The following described property has been and continues to be zoned and classified in the C-3 General Commercial District zoning classification:

PARCEL 1: LOTS 1, 2, 3, 4, 5, 6, 7 AND 8 (EXCEPT THE NORTH 10 FEET OF SAID LOTS) AND LOTS 15, 16, 17, 18, 19, 20, 21, AND 22 IN BLOCK 2 IN WHEATON ESTATES, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 1, 1924, AS DOCUMENT 177383, IN DUPAGE COUNTY, ILLINOIS.

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P.I.N. 05-22-100-024; -028;
05-22-101-025; -026; -027

The Subject Property is commonly known as 1000 and 1100 East Roosevelt Road, Wheaton, IL 60187.

Section 2: The plat of the Paragon Wheaton Plat of Resubdivision, as prepared by Joel C. Vietti, an Illinois Professional Land Surveyor, and dated June 5, 2013 is hereby approved, subject to the following conditions and requirements.

1. Prior to the recording the subject plat in the Office of the DuPage County Recorder, the owner shall demolish and remove the building and site improvements on the property identified as 1100 East Roosevelt Road (the former Suburban Buick auto dealership) in accordance with the Wheaton City Code.
2. The subject plat shall be revised to show all necessary dedication and abrogation of public utility easements as determined by the Director of Engineering.
3. The subject plat shall be revised to relocate the property line between proposed lots 1 and 2 three and one-half feet to the east prior to recording and issuance of a building permit.

The Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor on the plat of Paragon Wheaton Plat of Resubdivision.

Section 3: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a special use permit for a planned unit development is hereby issued on Lot 1 of the Paragon Wheaton Plat of Resubdivision to allow the construction and operation a convenience filling station and

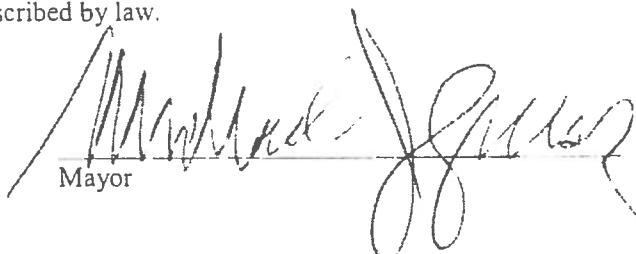
carwash, in full compliance with the plans entitled "Preliminary Engineering Plans, Site Plan and Landscape Plan", Sheets C0-C10 and L1, prepared by Arc Design Resources, Loves Park, IL, dated July 24, 2013 and revised August 16, 2013; "Exterior Elevations and Floor Plan", Sheets 1-6, prepared by Hurtz Associates, Des Plaines, IL, dated July 25, 2013; "Signage Plan", Sheets 1-6, prepared by Omaha Neon Sign Company, Omaha, NE, dated July 18, 2013 and revised October 7, 2013; and in further compliance with the following conditions, restrictions, and requirements:

1. Prior to issuance of a site development permit, the Site Plan and Landscape Plan shall be revised as follows:
 - a) A minimum 15 foot setback shall be provided along the west property line.
 - b) The location of the ground sign referenced in the approved plans shall be subject to the requirements of the Zoning Ordinance and the reasonable approval of the Director of Planning and Economic Development.
 - c) A new public sidewalk shall be constructed fronting along all of Roosevelt Road pursuant to City Code provisions.
 - d) A more diverse mix of plantings, planted in a more naturalistic style shall be provided along Roosevelt Road.
 - e) Four planters, a minimum of thirty inches in diameter, shall be installed along the front of the building in lieu of foundation plantings.
 - f) The two landscaped islands located at the ends of the parking area in front of the convenience store shall be expanded to wrap around either side of the parking area to better delineate the parking area from the drive aisle.
 - g) New plantings, as determined by the Director of Planning and Economic Development, shall be installed along Taft Avenue and a new 8 foot tall solid privacy fence shall be installed just inside the landscaping and extend along the remainder of the south property line that borders the multi-family residential development.
 - h) New plantings and an 8 foot tall solid privacy fence shall be installed on proposed lot two to match those installed on proposed lot one.
 - i) Parkway trees, planted in accordance with the requirements of the Zoning Ordinance and City Code, shall be added along Taft Avenue.
2. Prior to issuance of a building permit, the Exterior Elevations and Floor Plan shall be revised as follows:
 - a) The fuel canopy shall have brick columns to match the exterior of the building.
 - b) Any canopy lights shall be mounted flush with the bottom of the canopy to reduce glare.
 - c) All non-gate portions of the proposed refuse enclosure shall be constructed of masonry to match the proposed building.
3. The applicant shall maintain all landscaping and plantings on the subject property so that the number, quality, and type of landscaping shall not be less than that which is illustrated on the approved landscape plan.
4. The demolition of the existing structures located on the Subject Property shall be authorized by this Ordinance. Demolition of said structures, however, shall be carried out in conformance with Wheaton City Code Chapter 22, Article XIV, with the exception that the Developer shall not be required to wait 30 days prior to commencing demolition from the date of submitting a demolition permit application to the Building and Code Enforcement Department, and shall not be required to hold a "neighbor meeting" at least 30 days prior to submitting an application for building demolition. The Developer shall provide written notice to adjacent property owners prior to the building demolition.

Section 4: In all other respects, the terms and conditions of the original ordinance are ratified and remain in full force and effect.

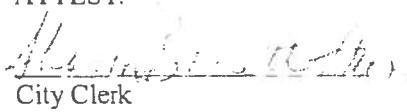
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



A handwritten signature of the Mayor is on the left, and a handwritten signature of the City Clerk is on the right, both written over a horizontal line.

ATTEST:



A handwritten signature of the City Clerk is written over a horizontal line.

City Clerk

Roll Call Vote:

Ayes:	Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess Councilman Prendiville Councilman Rutledge Councilman Saline Mayor Gresk
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Nays:	None
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Absent:	None
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Motion Carried Unanimously

Passed: October 21, 2013

Published: October 22, 2013

PARAGON WHEATON PLAT OF RESUBDIVISION

RECORD IN THE MUNICIPALITY OR TOWNSHIP OF SUCCESSION FROM THE PREVIOUS PLAT

1. LN 10
05-22-101-024
05-22-101-025
05-22-101-026
05-22-101-027
05-22-101-028

DRAFT OF DRAWINGS

ROOSEVELT

ROAD

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