

ORDINANCE NO. F-1963

AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, F-1578, F-1676 AND F-1935 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT"

WHEREAS, on March 2, 1987, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3191, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Original Ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of commercial improvements on the property legally described herein within the City limits of Wheaton, Illinois, consisting of approximately 21.7 acres and commonly located at the northeast corner of Naperville and Butterfield Roads; and

WHEREAS, on June 6, 1988, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3328, "AN ORDINANCE AMENDING ORDINANCE NO. E-3191 - AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A KENTUCKY FRIED CHICKEN RESTAURANT WITH DRIVE-THROUGH FACILITY ON OUTLOT "D" OF DANADA FARMS EAST (C-3 SUP)" ("Amended Ordinance"), which amended the plans referred to in Ordinance NO. E-3191 to accommodate a new 2,500 square foot Kentucky Fried Chicken Restaurant with a drive-through lane on Outlot "D"; and

WHEREAS, on March 5, 2007, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1260, "AN ORDINANCE AMENDING ORDINANCE NO. E-3328 - AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A KENTUCKY FRIED CHICKEN RESTAURANT WITH DRIVE-THROUGH FACILITY ON OUTLOT "D" OF DANADA FARMS EAST (C-3 SUP)" ("Amended Ordinance"); which amended the plans referred to in Ordinance No. E-3328 to accommodate a remodeling of the existing Kentucky Fried Chicken Restaurant; and

WHEREAS, on August 1, 2011, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1578, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328 AND F-1260, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Amended Ordinance"); which amended the plans referred to in Ordinance No. F-1260 to relocate signage, remove existing landscaping and install new landscaping along Naperville Road and at the intersection of Naperville and Butterfield Roads all as a result of the Illinois Department of Transportation's taking of property along the Naperville Road right-of-way to facilitate the reconstruction of the Naperville and Butterfield Roads intersection; and

WHEREAS, on November 5, 2012, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1676, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, AND 1578 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Amended Ordinance"); which amended the exterior building elevations contained in the Original Ordinance to

allow the remodeling of the property located at 141 -147 Danada Square East for Verizon Wireless;
and

WHEREAS, on April 18, 2016 the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1935, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, F-1578, AND F-1676 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT"; which further amended the exterior building elevations contained in the Original Ordinance to allow the remodeling of the former Dominick's grocery store for Whole Foods and Sierra Trading Post; and

WHEREAS, following the enactment of the Original and Amended Ordinances, an application has been made to further amend the existing Planned Unit Development (PUD) for the Danada Square East Shopping Center to construct a new restaurant with a drive thru lane on the site of the former IHOP restaurant at 167 Danada Square East which will be demolished; 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: An amendment to the Original and Amended Ordinances is hereby granted to allow the construction of a new restaurant with a drive thru lane on the site of the former IHOP restaurant at 167 Danada Square East which will be demolished in substantial compliance with the plans entitled "PDQ, 167 Danada Square, Wheaton, IL" Sheets CS, C0, C0.1, C2, C3, C4 dated 8/4/16, Sheets L1 and L2 dated 7/18/16, Survey dated 7/14/16 Color Elevations; Front, Side, Side, and Rear dated 8/30/16, all prepared by Interplan, LLC, and the sign plan package prepared by Entera dated 8/22/16.

Section 2: The demolition of the existing restaurant at 167 Danada Square East shall be authorized by this Ordinance. Demolition of said structure, 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 3: In all other respects, the terms and provisions of the Original Ordinance and Amended Ordinances are ratified and remain in full force and effect.

Section 4: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 5: This ordinance shall become effective 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 Councilwoman Fitch Councilman Prendiville Councilman Rutledge Mayor Gresk Councilman Scalzo
Nays:	None
Absent:	Councilman Saline

Passed: September 19, 2016
Published: September 20, 2016

EXHIBIT "A"

Legal description:

PART OF THE SOUTH HALF OF SECTION 28 AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 0 DEGREES 30 FEET, 40 INCHES WEST ALONG THE EAST LINE THEREOF 2,666.24 FEET TO A POINT ON THE NORTH LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131); THENCE SOUTH 85 DEGREES, 4 FEET, 16 INCHES WEST ALONG SAID NORTH LINE, 1,311.51 FEET TO THE NORTHEAST CORNER OF THE PREMISES CONDEMNED FOR HIGHWAY PURPOSES BY COUNTY COURT CASE NO. 26046, SAID LINE BEING THE NORTH LINE OF BUTTERFIELD ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION ON AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 1,284.32 FEET TO A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION ON AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 778.91 FEET; THENCE SOUTH 89 DEGREES, 48 FEET, 49 INCHES WEST ALONG THE NORTH LINE OF SAID CONDEMNATION, 178.66 FEET TO THE EASTERN LINE OF NAPERVILLE-PLAINFIELD ROAD AS DEDICATED ACCORDING TO THE PLAT RECORDED AS DOCUMENT NO. R83-17365; THENCE NORTH 24 DEGREES, 44 FEET, 6 INCHES EAST ALONG THE EASTERLY LINE OF SAID NAPERVILLE-PLAINFIELD ROAD, 1,250.00 FEET; THENCE SOUTH 65 DEGREES, 15 FEET, 54 INCHES EAST, 864.62 FEET; THENCE SOUTH 24 DEGREES, 44 FEET, 6 INCHES WEST, 838.51 FEET TO THE NORTH LINE OF THE AFORESAID CONDEMNATION AND ALSO BEING THE NORTH LINE OF BUTTERFIELD ROAD; SAID POINT BEING THE POINT OF BEGINNING AND ALL IN DU PAGE COUNTY, ILLINOIS.

PIN # 05-28-309-001

[illegible][illegible][illegible][illegible][illegible][illegible][illegible][illegible]

It is not possible to estimate the number of people who are currently in the United States without legal status. The Department of Homeland Security estimates that there are between 8 million and 12 million unauthorized immigrants in the United States. The Department of Homeland Security also estimates that there are approximately 1.5 million unauthorized immigrants in the United States who are currently in the process of applying for asylum or other forms of legal status.

[illegible][illegible]

7. NOTE
COPY OF THIS SHEET CO SHALL BE PROVIDED
TO ALL BIDDERS AND SUB-CONTRACTORS.

1. Il diritto di voto spetta a tutti i cittadini italiani maggiorenni, che non sono stati condannati per reati che comportano l'interdizione dei diritti politici.
 2. Il diritto di voto è esercitato in persona o per procura.
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 10. Il diritto di voto è esercitato in persona o per procura.

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[illegible]

INTERPLANE

PROJECT NO. 100-000000
 PROJECT NAME: 100-000000
 PROJECT LOCATION: 100-000000

DATE: 10/10/2010
 DRAWN BY: 100-000000
 CHECKED BY: 100-000000

PROJECT NO. 100-000000
 PROJECT NAME: 100-000000
 PROJECT LOCATION: 100-000000

DATE: 10/10/2010
 DRAWN BY: 100-000000
 CHECKED BY: 100-000000

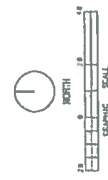


PDD

FRESH TENDERS
 100-000000
 100-000000

C2

DATE: 10/10/2010
 DRAWN BY: 100-000000
 CHECKED BY: 100-000000



SITE UTILITY PLAN

1" = 20'

NAPERVILLE ROAD

SEE SHEET 100-000000 FOR
 100-000000 AND 100-000000

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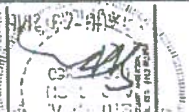
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EXPLAN

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
4. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.



1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
3. ALL DIMENSIONS ARE TO BE MAINTAINED THROUGHOUT THE PROJECT.
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PDQ
FRESH TERRAINS
131 CHERRYWOOD
WILMINGTON, OHIO

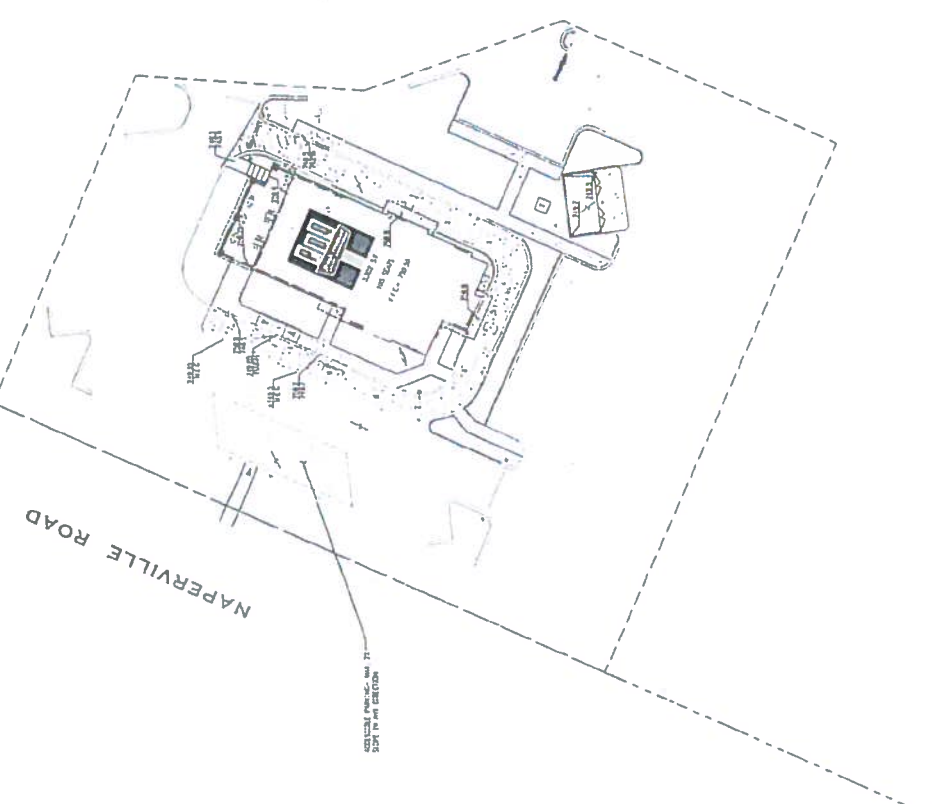
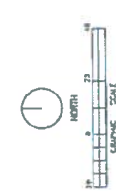
C3
CIVIL ENGINEER
NO. 123456789

CITY OF CHICAGO

NOTE: THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY THE CLIENT OR THE FIELD SURVEYOR.

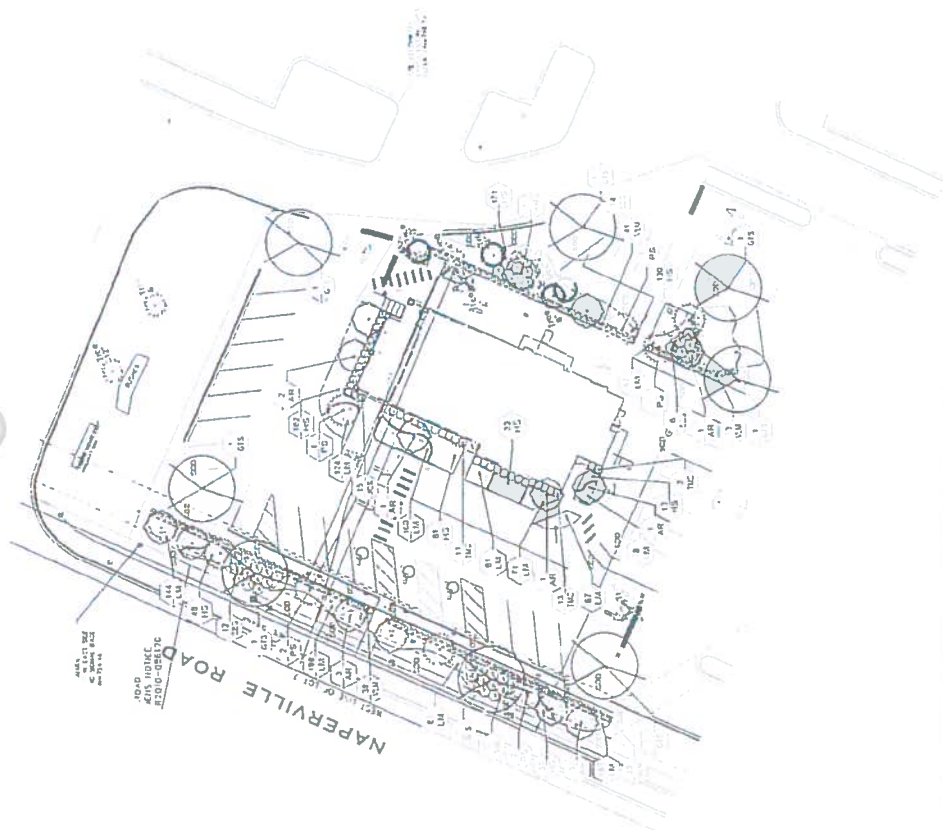
BARRED UTILITIES NOTE
ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE RECORD DRAWINGS AND FIELD SURVEY. THE DESIGNER HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS NOTED THE PRESENCE OF BARRED UTILITIES. THE DESIGNER HAS NOTED THE PRESENCE OF BARRED UTILITIES.

MapInfo 8.0.0.0 (64-bit) business edition
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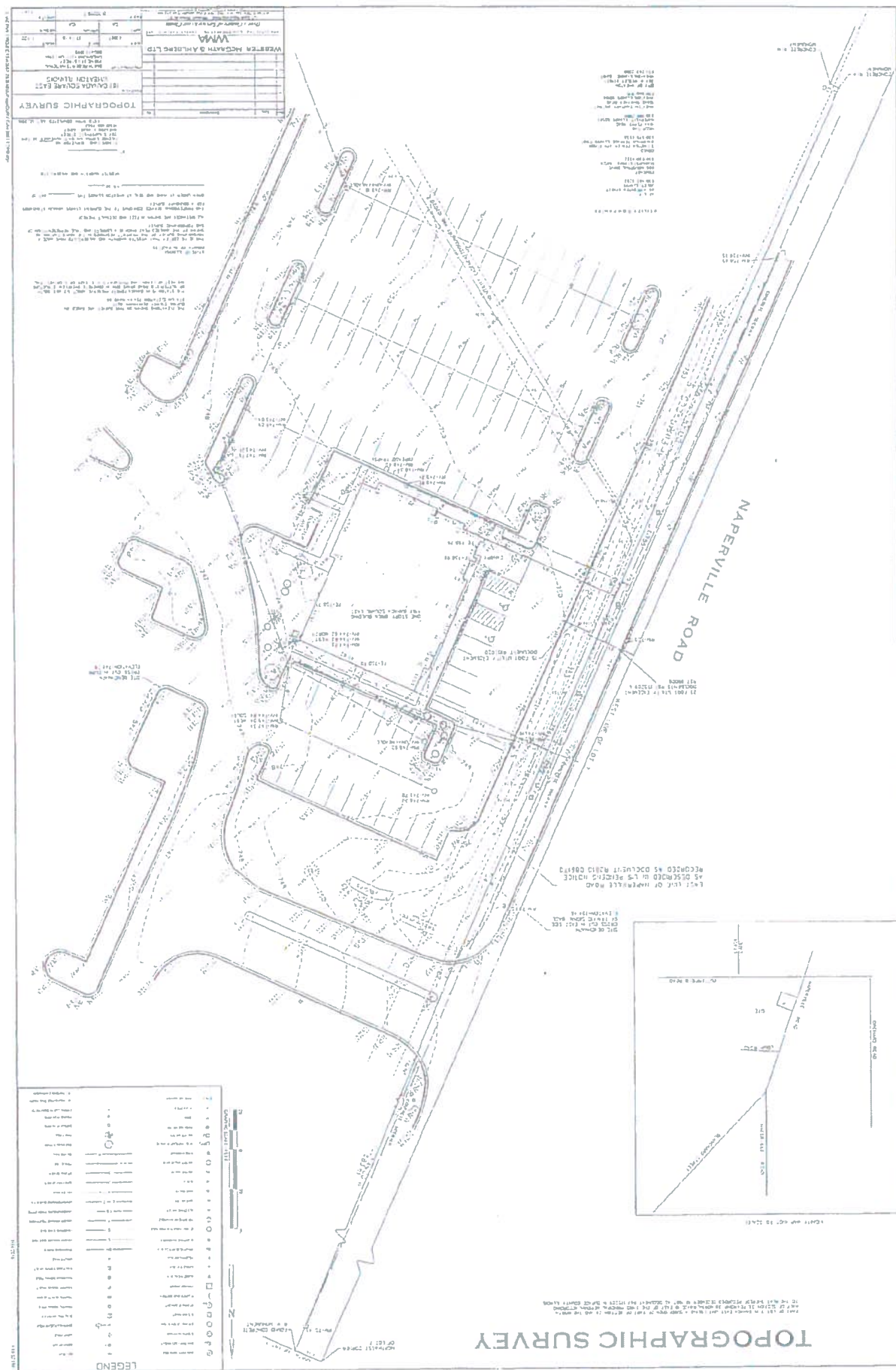


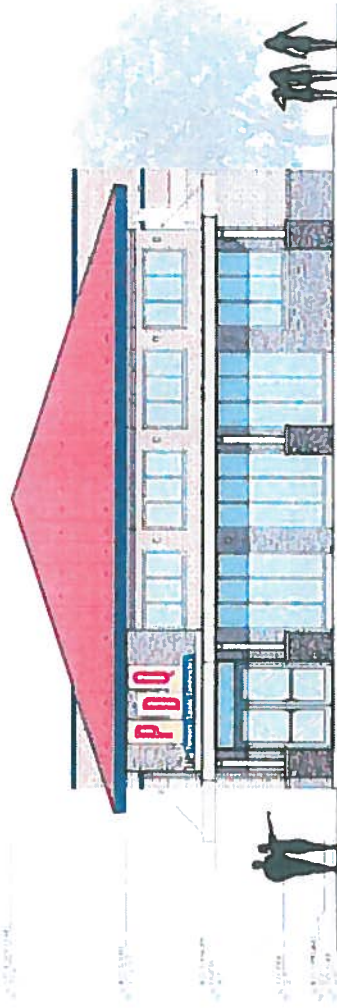
GRADING & DRAINAGE PLAN

1"=20'

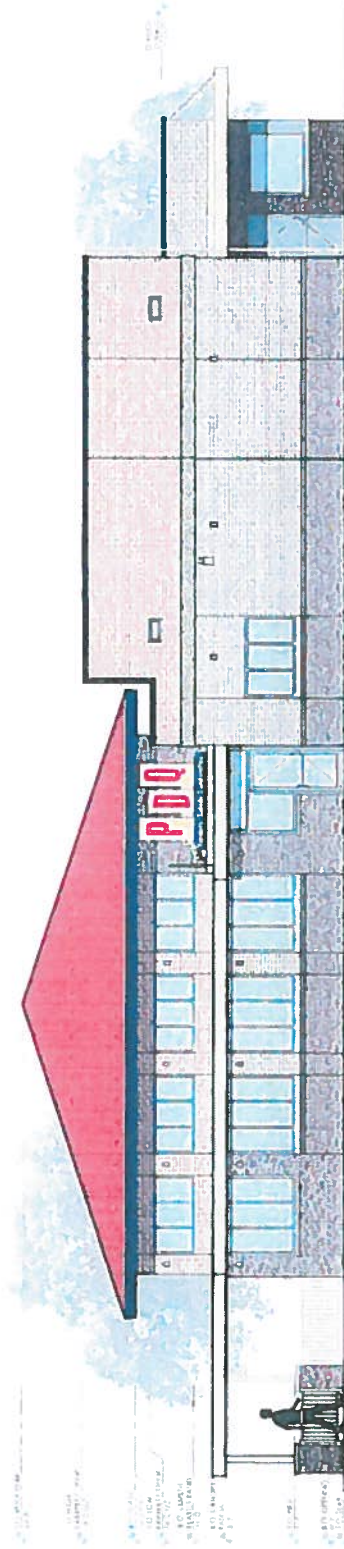


TREE MITIGATION
3 TREES TO REMOVE TOTALLING 14" DBH = 13" DBH TREE MITIGATION REQUIRED
5 GTS AT 3" CALIPER = 15" CALIPER PROVIDED ON LANDSCAPE PLAN SEE SHEET L-2

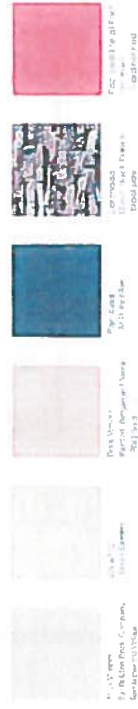


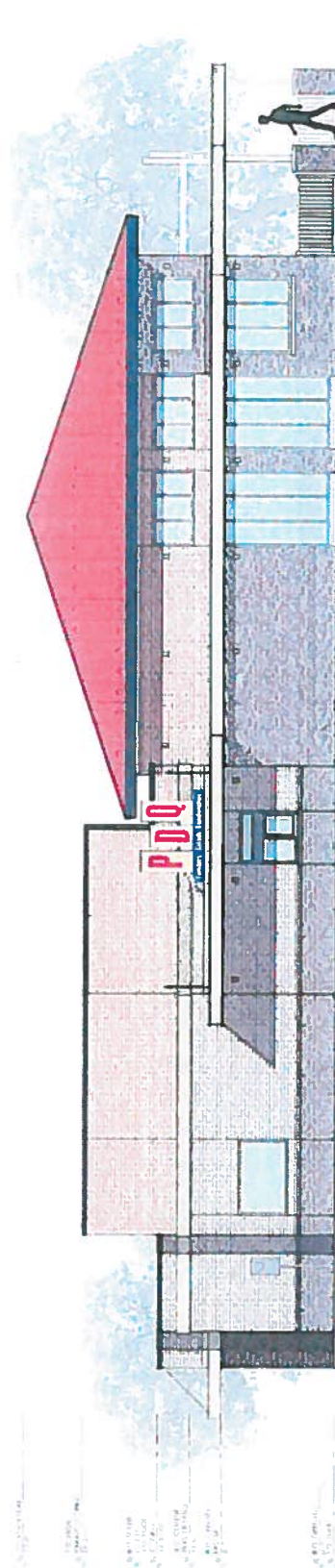
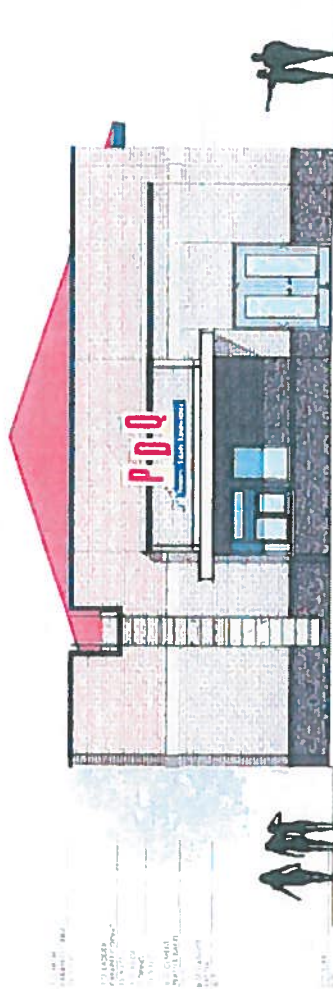


FRONT ELEVATION



SIDE ELEVATION





PQQ
Fresh TENDERS
SALAD • 200g • 100g • 100g

**167 Danada Square
Wheaton, IL**

INTERPLAN
ARCHITECTURE • ENGINEERING • PROJECT MANAGEMENT • INTERIOR DESIGN
2016 9200 08 30 16



PDQ
167 W. DANADA SQ.
WHEATON, IL



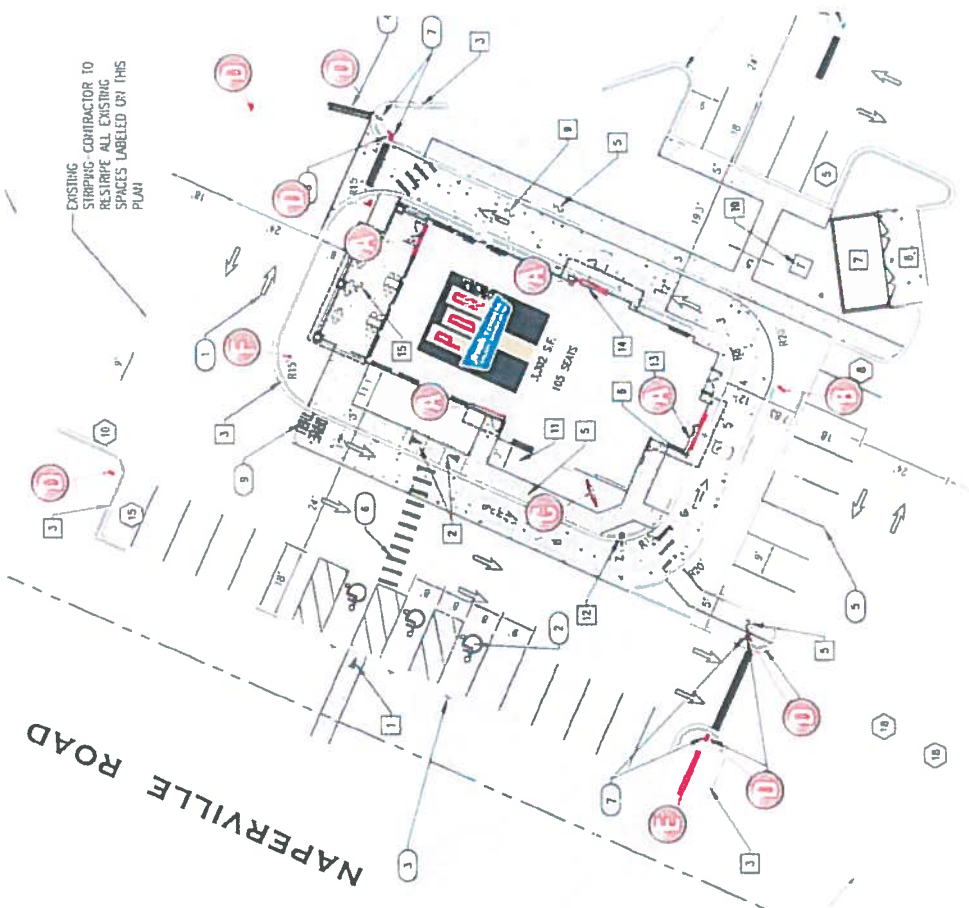
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800-888-0234 www.enterabranding.com



SITE PLAN



EXISTING CONTRACTOR TO
STRIPE ALL EXISTING
SPACES LABELED ON THIS
PLAN



SIGN SCHEDULE

- CHANNEL LETTERS (4)
- SINGLE PANEL MENU BOARD (1)
- 3-PANEL MENU BOARD (1)
- D/F DIRECTIONALS (6)
- MONUMENT (1)
- FLAG POLE (1)

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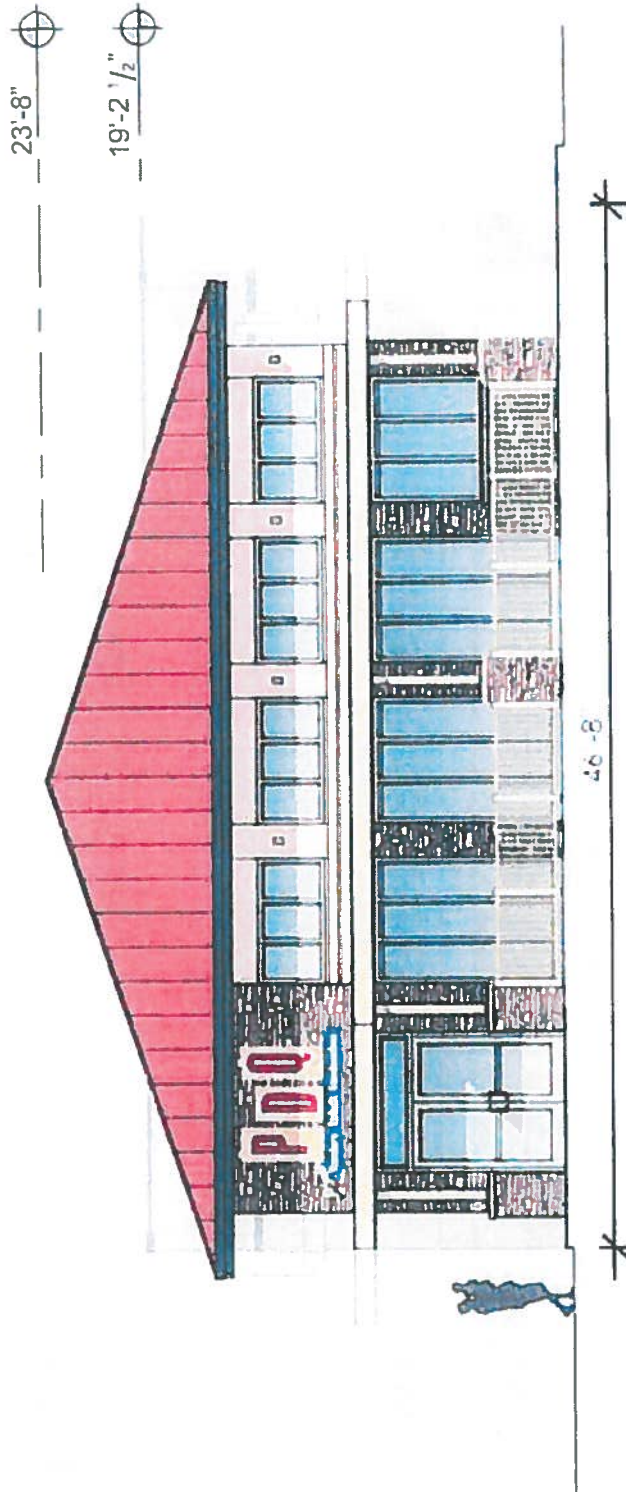
FILE LOCATION:

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CUSTOMER	PDD	SCALE	1" = 250'	REV.1	8/22/16
LOCATION	WHEATON, IL	DATE	08.15.16	REV.2	XXXX
DRAWN BY	ZM	DWG. NO.	WHEATON, IL - 167 V DIAMIDA SQ. - R1	REV.3	XXXX
				REV.4	XXXX

FRONT ELEVATION (NO. 1) W/ PROPOSED SIGNAGE

TOTAL: 36 26 SQ FT



FRONT ELEVATION

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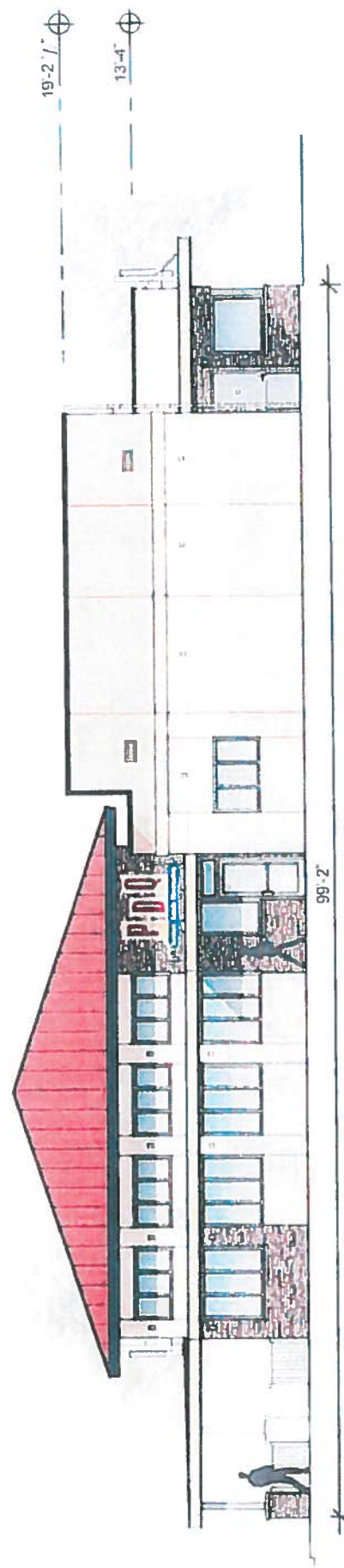
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LOCATION	WHEATON, IL	DATE	08 15 16	REV 2	0000
DRAWN BY	ZAI	DWG. NO.	WHEATON, IL 167 V DANA SQ - RI	REV 3	0000
				REV 4	0000



SIDE ELEVATION (WEST) W/ PROPOSED SIGNAGE

TOTAL: 36.26 SQ FT



SIDE ELEVATION

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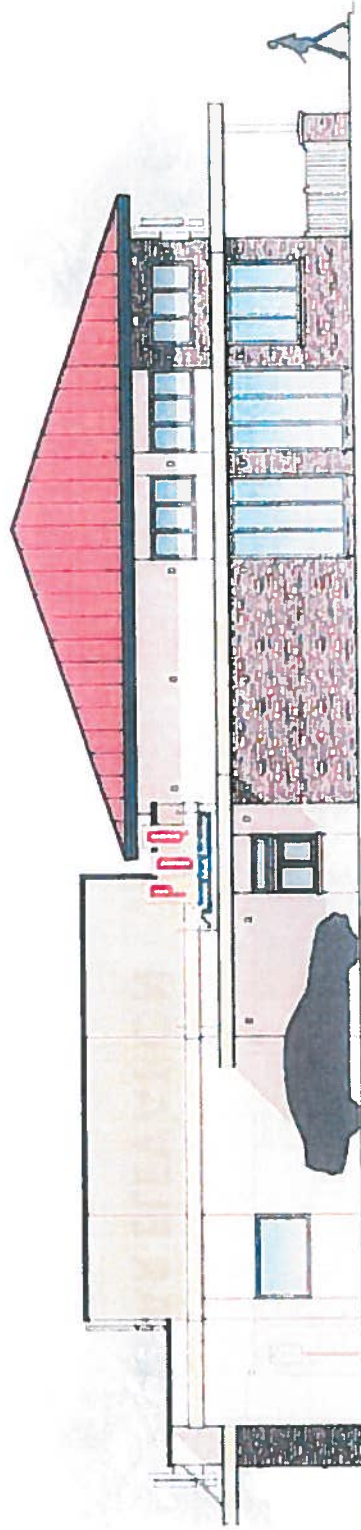
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DRAWN BY:	761	DWG. NO.:	WHEATON, IL - 167 W DAMADA SQ - RI	REV 3:	XXXX
				REV 4:	XXXX



SIDE ELEVATION (EAST)

TOTAL: 36 26 SQ FT



SIDE ELEVATION

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DATE

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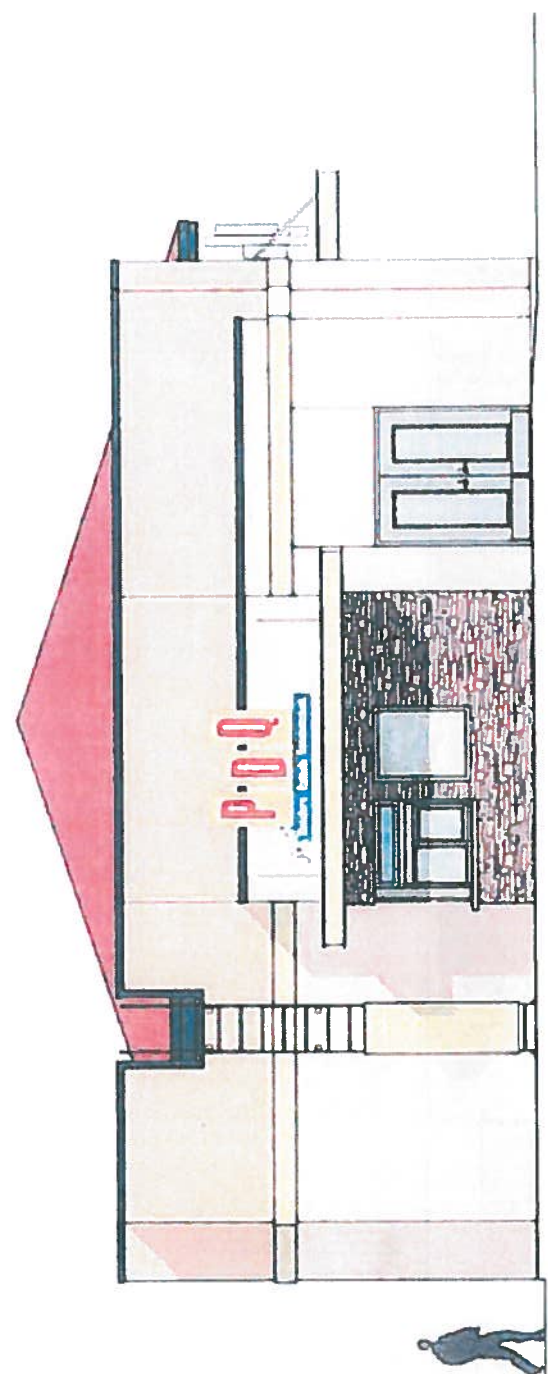
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CLIENT	PDD	SCALE	1/8" = 1'-0"	REV 1	0/22/16
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DRAWN BY	ZN	DWG NO	WHEATON, IL - 167 W DAMON SQ - R1	REV 3	xxxx
				REV 4	xxxx



REAR ELEVATION (SOUTH)

TOTAL: 36.26 SQ. FT



REAR ELEVATION

CUSTOMER APPROVAL X



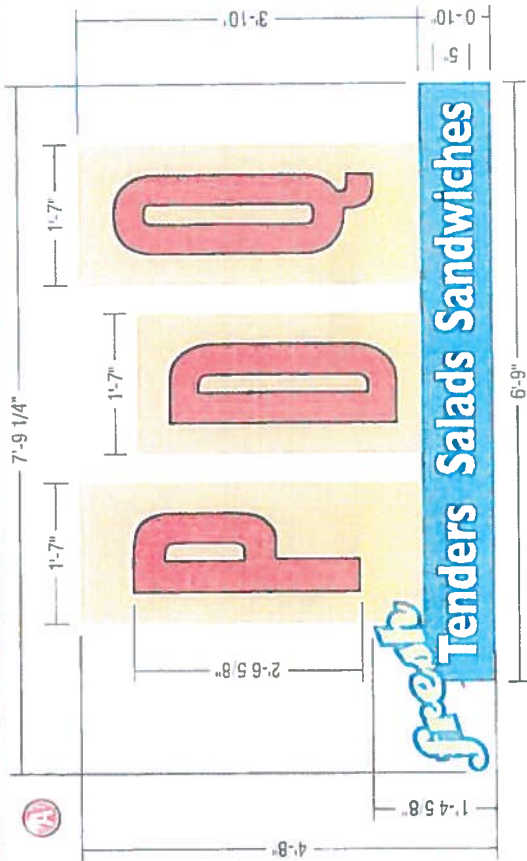
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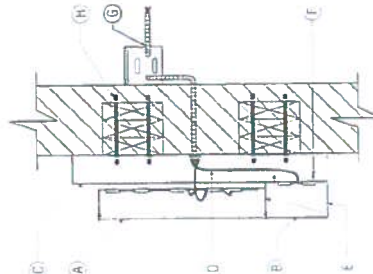
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CLIENT	P.D.Q.	SCALE	3/16" = 1'-0"	REV.1	18/22/16
LOCATION	WHEATON, IL	DATE	08.15.16	REV.2	XXXX
DRAWN BY	JA	DWG NO	WHEATON, IL - 167 W DANADA SQ - R1	REV.3	XXXX
				REV.4	XXXX



L.E.D. CHANNEL LETTER MOUNTING DETAIL (EXTERIOR)

- A. FRONT LIT/BACK LIT CHANNEL LETTERS
WHITE, 150" POLYCARBONATE
FACES W/ 3M 3630-73 DARK RED
VINYL OVERLAY W/ 1" BLACK TRIM CAP
W/ 040" PRE-FINISHED BLACK
ALUMINUM 5" RETURNS (SILICONE-SEALED)
& CLEAR POLYCARBONATE BACKS
TO ALLOW HALO ILLUMINATION
*RED GE LEDS
- B. ALUMINUM CABINET W/ SUBCOPY
6" DEEP ALUMINUM CABINET
W/ 125" ROUTED FACE BACKED
W/ #7328 WHITE ACRYLIC
3M 3630-106 BRILLIANT GREEN
VINYL TO BE USED FOR "FRESH"
CABINET & FACE TO BE PAINTED
PMS 5405C SATIN BLUE
*WHITE GE LEDS
- C. ALUMINUM BACKER CABINETS
CHANNEL LETTERS MOUNTED TO 5"
DEEP ALUMINUM CONSTRUCTED BACKERS
W/ 1" LONG ALUMINUM STAND-OFFS -
CABINETS & STAND-OFFS TO BE PAINTED
PMS 124C SATIN YELLOW
- D. POWER CABLE STARTING FROM POWER SUPPLY
(HOUSED IN A WEATHER PROOF SHEET METAL BOX)
THEN LETTER TO LETTER
- E. 1/4" WEEP HOLES AS REQUIRED (FOR
EXTERIOR INSTALLATION ONLY)
- F. 1/4" LAGBOLTS & RIV NUTS
- G. 1/2" SEALTITE CONDUIT RUNNING TO SECONDARY
CONNECTION *NOTE: GENERAL CONTRACTOR TO HAVE
PRIMARY CONNECTION HOOKED UP
- H. 3/4" x 12" LONG THREADED ROD W/ NUTS & WASHERS
W/ 2" x 4" WOOD BLOCKING AS REQUIRED



TYPICAL WALL SECTION
NOT TO SCALE

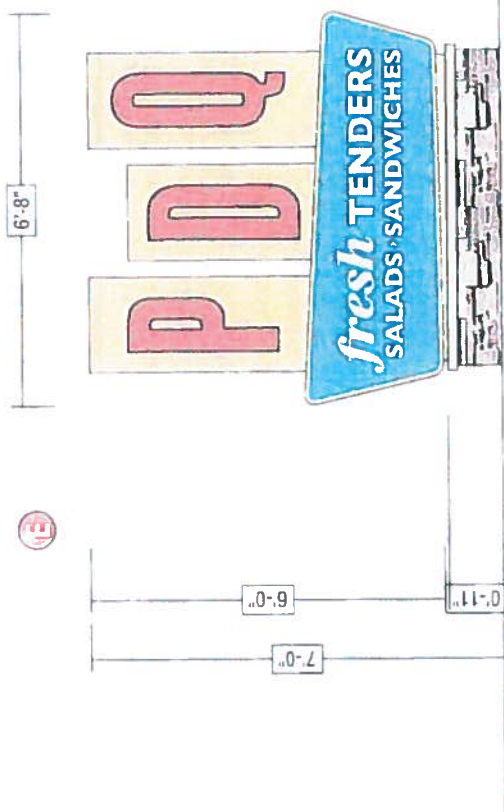
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LOCATION	WHEATON, IL	DATE	08.15.16	REV 2	XXXX
DRAWN BY	TM	DWG NO	WHEATON, IL - 167 V DANAIDA SQ - R1	REV 3	XXXX
				REV 4	XXXX



ENTERA
Your total branding solution



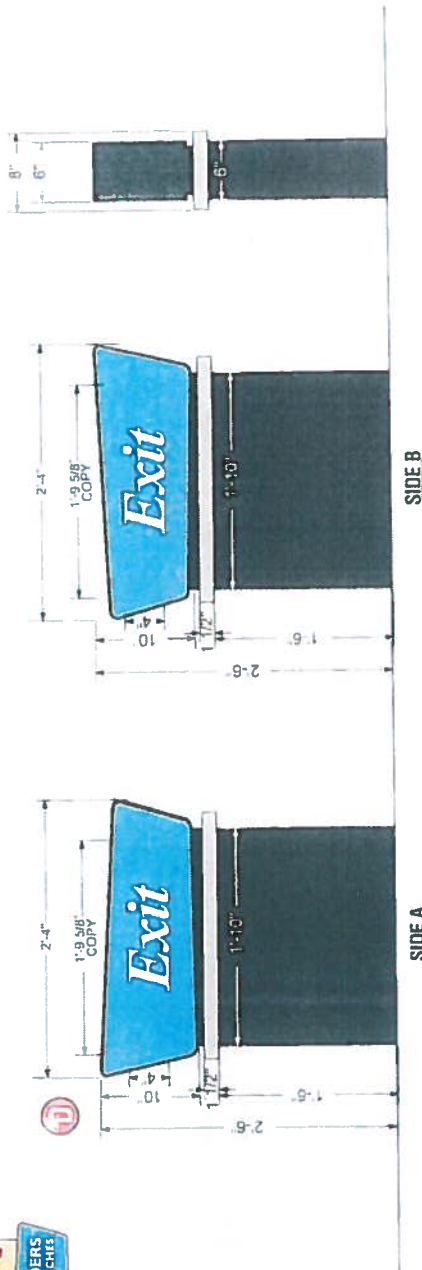
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J: MARKETING DESIGN / COR / P / PQD / WHEATON, IL - 167 W DANADA SQ - R1.cdr

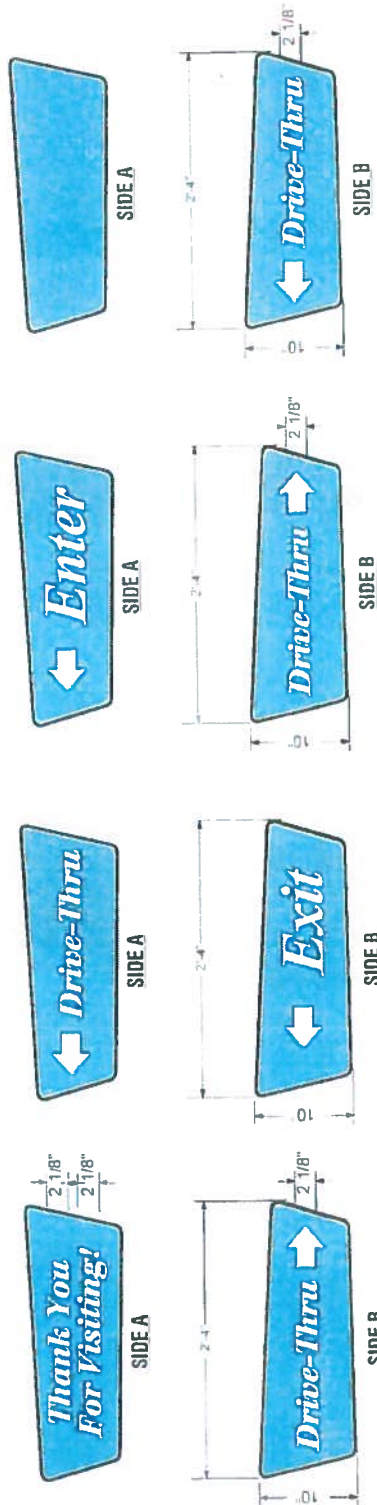
REV.1	8/22/16
REV.2	XXXX
REV.3	XXXX
REV.4	XXXX



SIGN: D/F DIRECTIONAL SIGNS
W/ DIGITALLY PRINTED GRAPHICS
BASE: ALUMINUM ANGLE
W/ .080" ALUMINUM SKIN PAINTED GLOSS BLACK
DECORATIVE RAIL - TO BE PAINTED MP 20087 PEWTER
TANKARD METALLIC

SIDE B

SIDE A



SIDE A

SIDE A

SIDE A

SIDE A

SIDE B

SIDE B

SIDE B

SIDE B

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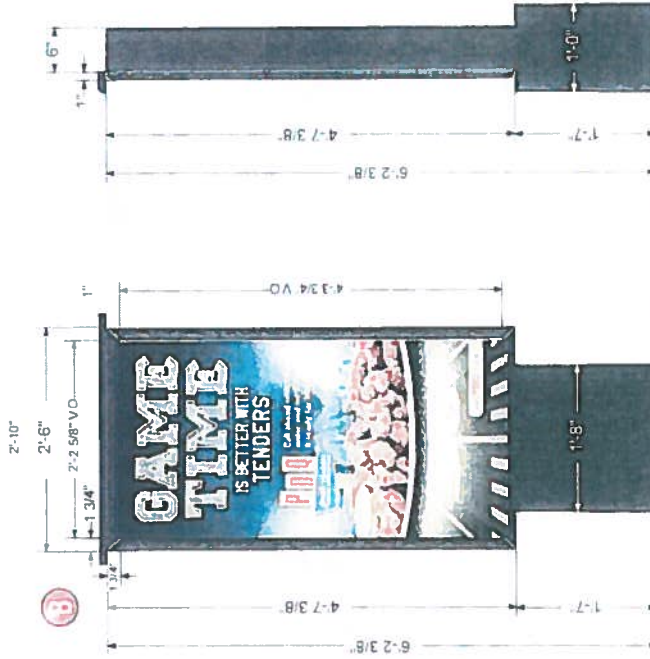
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DATE

CLIENT	PDU	SCALE	1" = 1'-0"	REV 1	8/22/16
LOCATION	WHEATON, IL	DATE	08.15.16	REV 2	XXXX
DRAWN BY	ZH	DWG NO	WHEATON, IL - 167 V DONADA SD - R1	REV 3	XXXX
				REV 4	XXXX



SINGLE PANEL MENU BOARD



*TO BE SUPPLIED BY OTHERS

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FILE LOCATION:

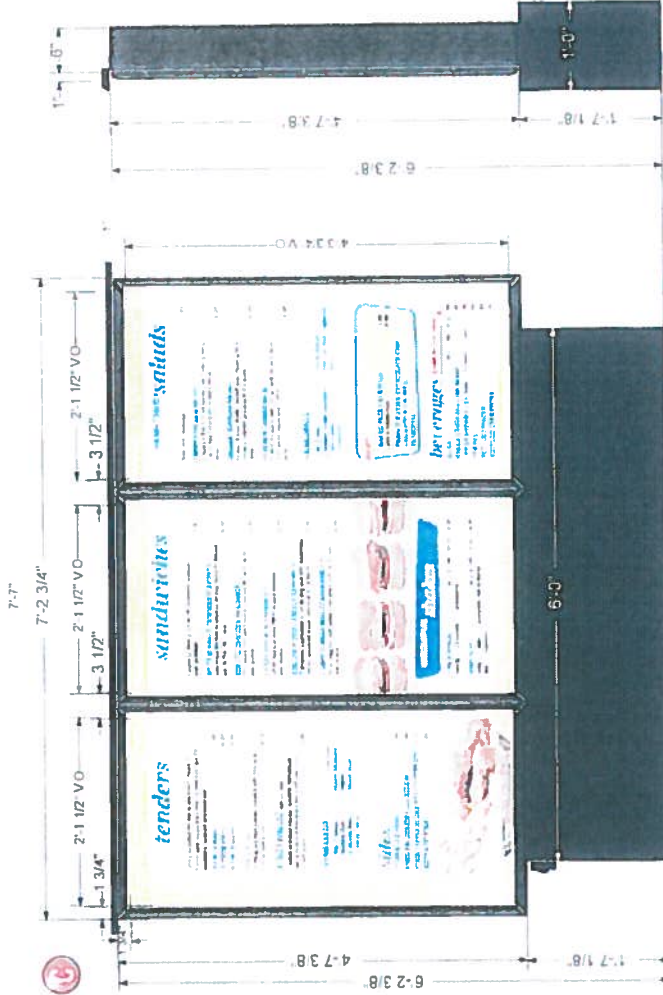
H. MARKETING DESIGN / CDR / P / PDQ / WHEATON, IL - 167 W DANAIDA SQ - R1.c#

CLIENT	PDQ	SCALE	1/8" = 1'-0"	REV 1	8/22/16
LOCATION	WHEATON, IL	DATE	08.15.16	REV 2	XXXX
DRAWN BY	ZM	DWG. NO.	WHEATON, IL - 167 W DANAIDA SQ - R1	REV 3	XXXX
				REV 4	XXXX

PDQ

Fresh TENDERS
SALADS SANDWICHES

3-PANEL JU BOARD



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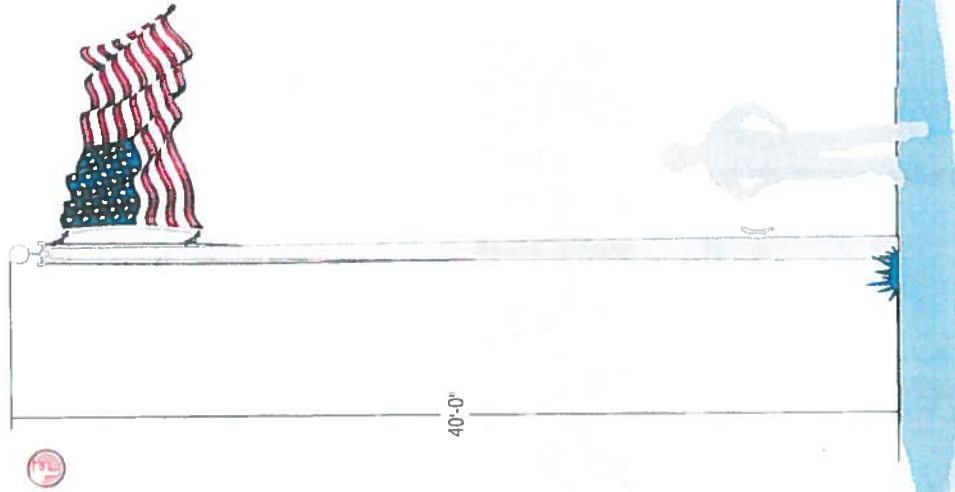
DATE

FILE LOCATION:

H. MARKETING DESIGN / COR / P / PDQ / VHEATON, IL - 167 W DANAIDA SQ - R1.cdw

CLIENT	PDQ	SCALE	1/8" = 1'-0"	REV 1	8/22/16
LOCATION	VHEATON, IL	DATE	08 15 16	REV 2	xxxx
DRAWN BY	JL	DWG. NO.	VHEATON, IL - 167 W DANAIDA SQ - R1	REV 3	xxxx
				REV 4	xxxx

FLAG POLE



CUSTOMER APPROVAL X		ENTERA Your total branding solution		UL Underwriters Laboratories Inc.®		DATE		FILE LOCATION:		H. MARKETING DESIGN / CDR / P / PDD / WHEATON, IL - 167 W DANADA SQ - R1.cdr	
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UNDERWRITERS LABORATORIES INC.®		LOCATION: WHEATON, IL		DATE: 08.15.16		DATE: 08.15.16		REV2 100X		REV2 100X	
DRAWN BY: ZM		DVG: 110		DVG: 110		DVG: 110		REV3 100X		REV3 100X	
								REV4 100X		REV4 100X	