

## ORDINANCE NO. F-1998

### AN ORDINANCE AMENDING ORDINANCE NO. E-3323 "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A JAPANESE-STYLE SIT-DOWN RESTAURANT – HI-DOMO RESTAURANT – KEIM'S DANADA FARMS WEST RESUBDIVISION OF LOT 4"

#### 2040 S. NAPERVILLE ROAD – GLAZIER CORPORATION

**WHEREAS**, on May 16, 1988, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3323 "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A JAPANESE-STYLE SIT-DOWN RESTAURANT – HI-DOMO RESTAURANT – KEIM'S DANADA FARMS WEST RESUBDIVISION OF LOT 4" ("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 .99 acres and commonly located at 2040 S. Naperville Road; and

**WHEREAS**, following the enactment of the Original Ordinance, an application has been made to amend the existing Planned Unit Development (PUD) to demolish the existing restaurant building and construct a 8,935 square foot retail/restaurant building with a drive-thru service lane; and

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the City of Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on December 13, 2016 and January 10, 2017 to consider the PUD amendment and the Wheaton Planning and Zoning Board has recommended approval of the amendment.

**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:** The following described property has been, and continues to be zoned and classified in the C-5 Planned Commercial Zoning District Classification with a Special Use Permit for a Planned Unit Development:

LOT 3 IN KEIM'S DANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4, BEING A RESUBDIVISION OF LOT 4 IN DANADA FARMS WEST LOOP SUBDIVISION, A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 28, THE NORTHWEST ¼ OF SECTION 33 AND THE NORTHEAST ¼ OF SECTION 32, ALL IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID KEIM'S DANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4 RECORDED JULY 20, 1988 AS DOCUMENT R88-079082, IN DUPAGE COUNTY, ILLINOIS

EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS DEPT. OF TRANSPORTATION BY DEED RECORDED SEPTEMBER 10, 2010 AS DOCUMENT NUMBER R2010-119426, AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE ON AN ASSUMED BEARING OF SOUTH 24 DEGREES 18 MINUTES 20 SECONDS WEST 150.00 FEEL ALONG THE EAST LINE OF SAID LOT 3 TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH 65 DEGREES 41 MINUTES 50 SECONDS WEST 23.63 FEET ALONG THE SOUTH LINE OF SAID LOT 3; THENCE NORTH 25 DEGREES 57 MINUTES 24 SECONDS EAST 150.06 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 3; THENCE SOUTH 65 DEGREES 41 MINUTES 50 SECONDS EAST 19.32 FEET TO THE POINT OF BEGINNING.

A RECIPROCAL PERPETUAL NON-EXCLUSIVE EASEMENT CREATED BY GRANT OF EASEMENT DATED JULY 14, 1988 AND RECORDED JULY 20, 1988 AS DOCUMENT R88-079082, BY BANK OF WHEATON, AS TRUSTEE UNDER TRUST AGREEMENT DATED AUGUST 5, 1985 AND KNOWN AS TRUST NUMBER 4701 AND BANK OF WHEATON, AS TRUSTEE UNDER TRUST AGREEMENT DATED AUGUST 10, 1985 AND KNOWN AS TRUST NUMBER 4702, FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS TO AND FROM PARCEL 1 OVER, UPON AND ACROSS THE LAND DESCRIBED AS FOLLOWS:

THE SOUTH 15 FEET AND THE WEST 30 FEET (EXCEPT THE SOUTH 15 FEET) OF LOT 2: AND THE WEST 30 FEET OF LOT 1, ALL IN KEIM'S DANADA FARMS WEST LOOP RESUBDIVISION OF LOT 4 AFORESAID.

P.I.N. 05-28-300-032

The subject property is commonly known as 2040 S. Naperville Road, Wheaton, IL 60189.

**Section 2:** An amendment to the Original Ordinance is hereby granted to allow the demolition of the existing restaurant building and construction of a new 8,935 square foot retail/restaurant building with a drive-thru service lane in substantial compliance with the plans entitled "Site Plan - 2040 S. Naperville Road", prepared by Arcon, Lombard, IL, dated January 5, 2017, "Preliminary Engineering Plans - 2040 S. Naperville Road", prepared by Cage Civil Engineering, Downers Grove, IL, sheets C0, C0.1, C1.0, C2.0 and C3.0, dated October 17, 2017, "Landscape Plan - 2040 S. Naperville Road", prepared by Arcon, Lombard, IL, sheets 1-2, dated November 11, 2016, "Signage Plan - 2040 S. Naperville Road" prepared by Arcon, Lombard, IL, sheets 1-2, dated October 18, 2016, "Building Elevations and Floor Plans - 2040 S. Naperville Road", prepared by Arcon, Lombard, IL, sheets 1-7, dated October 18, 2016, and subject to the following conditions:

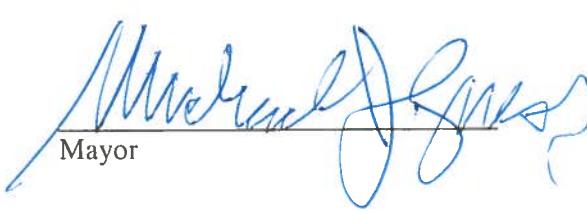
1. Restaurant users shall not occupy more than 4,700 square feet of the building at any one time;
2. A 6.0 foot tall solid wood privacy fence shall be installed along the south property line in lieu of the 8.0 foot tall fence shown on the site plan;
3. A continuous hedge shall be installed along the east property line behind the public sidewalk; and
4. A stormwater management easement shall be required for the on-site stormwater detention facility.

**Section 3:** The demolition of the existing restaurant building at 2040 S. Naperville Road is hereby authorized subject to compliance with Wheaton City Code Chapter 22, Article XIV, except 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 demolition.

**Section 4:** In all other respects, the terms and provisions of the Original Ordinance are ratified and remain in full force and effect.

**Section 5:** All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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



Mayor

ATTEST:



Alan Bennett  
City Clerk

Roll Call Vote

Ayes: Councilman Suess  
Councilwoman Fitch  
Councilman Prendiville  
Councilman Rutledge  
Mayor Gresk  
Councilman Saline  
Councilman Scalzo

Nays: None

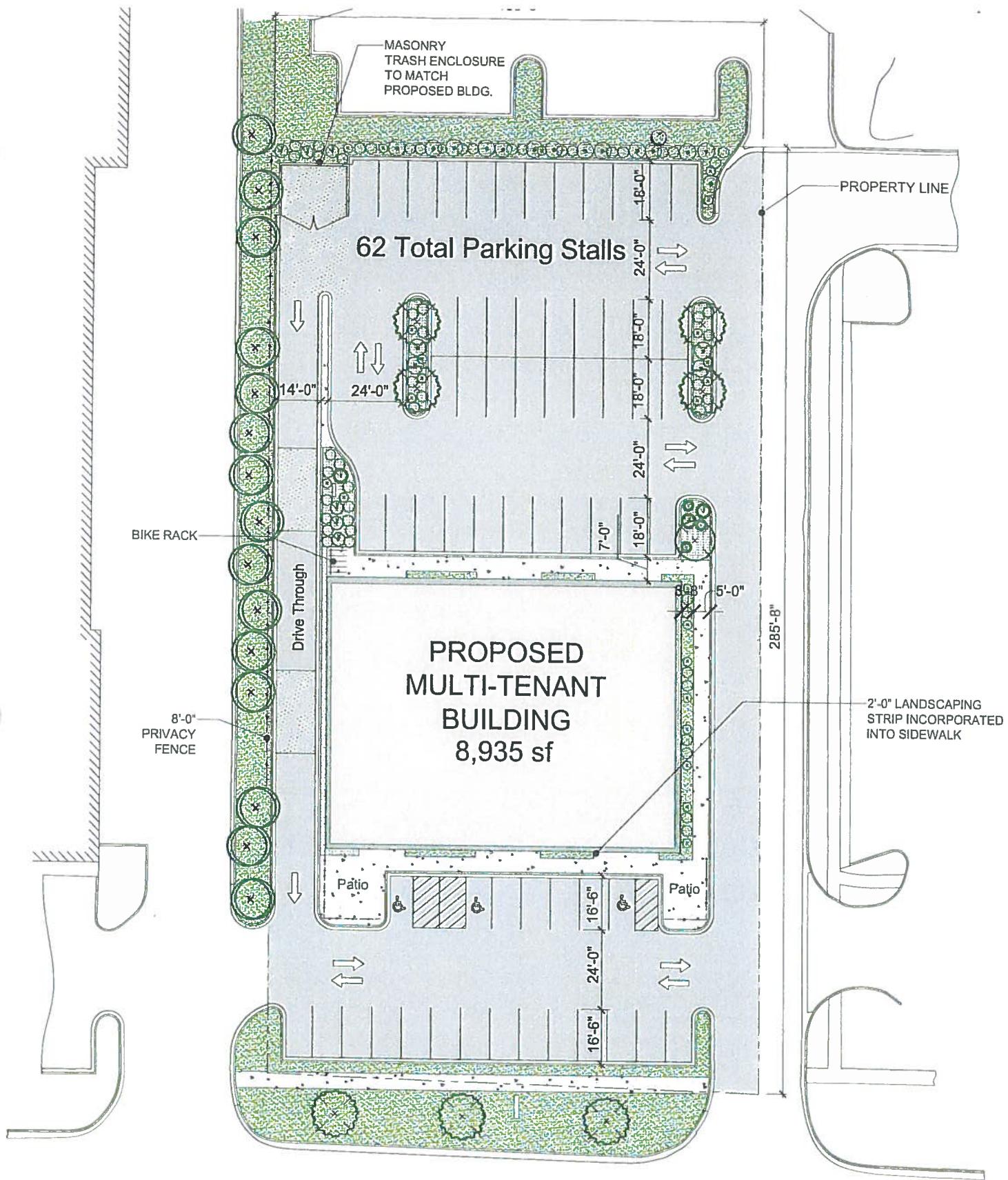
Absent: None

Motion Carried Unanimously

Passed: February 6, 2017

Published: February 7, 2017





**1**

**SITE PLAN**

**N**

SCALE: 1"=40'-0"

